

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6038 of 2019

Arising Out of PS. Case No.-65 Year-2016 Thana- TARABARI District- Araria

Md. Matin, aged about 45 years (Male), Son of Late Hafij, Resident of Village - Balwat, Ward No.7, P.S. -Tarabari, District – Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 23.10.2018 in a case registered for the offences punishable under Sections 341, 323, 326, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Md. Imroj recorded by A.S.I. Sima Kumari of Araria P.S. on 27.07.2016 at 2.30 P.M. at Sadar Hospital, Araria is to the effect that on 25.07.2016 at 2.30 A.M. co-accused Inayat, a resident of adjacent village came and asked to repair the motorcycle of co-accused Mansoor Master. Thereafter, the informant repaired the motorcycle and demanded repairing cost, whereupon co-accused Mansoor Master, Farukh and Laddu and 3-4 unknown



persons abused and assaulted the informant and on the order of co-accused Farukh, co-accused Mansoor Master resorted to fire from his pistol causing injury on the back of the informant. The petitioner was not named in the FIR, his name sprang up during investigation as the person who resorted to fire upon the informant.

It is submitted by learned counsel for the petitioner that the specific accusation of firing on the informant has been levelled in the First Information Report against co-accused Mansoor Master, who is the only eye witness to the occurrence. It is further submitted that the FIR named co-accused persons Md. Karim and Md. Laddu have been granted anticipatory bail vide order dated 27.10.2016 passed in Cr. Misc. No. 44531 of 2010 and vide order dated 06.02.2017 passed in Cr. Misc. No. 3182 of 2017 whereas, co-accused Md. Mansoor Master, who is alleged to have fired causing grievous injury to the informant, has been granted regular bail by a co-ordinate Bench of this Court vide order dated 17.01.2018 passed in Cr. Misc. No. 66 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that during investigation it transpired that the petitioner resorted to fire.



Considering the fact that the specific accusation in the FIR is against co-accused Md. Mansoor Master, who has been granted bail and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Araria in connection with Tarabari P.S. Case No. 65 of 2016.

(Dinesh Kumar Singh, J)

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