

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6028 of 2019

Arising Out of PS. Case No.-169 Year-2016 Thana- RAXAUL District- East Champaran

Tinku Mian, son of Late Abdul Gaffar Miya, resident of Village- Islampur,
P.S.-Raxaul, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

The petitioner is languishing in custody since 11.09.2018 in connection with Raxaul P.S. Case No.169 of 2016 registered for the offences punishable under Sections 302, 120B, 34, 324, 307 of the Indian Penal Code and 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substance Act.

Prosecution case as per the written report of Sona Lal Yadav submitted to S.H.O. Raxaul P.S. is to the effect that on 09.08.2016 at 6.30 P.M., 14 F.I.R. named accused persons including the petitioner and 4-5 unknown persons came at the door of the informant and started searching for the informant. When the father of the informant made protest, on the order of co-accused Ramashish Yadav, Tinku Miya, the petitioner and co-accused, Sarfraj Alam @ Nopu, fired upon the father of the informant and also fired upon the pet dog of the informant.



When the mother and brother of the informant came to rescue him, co-accused Salim Miyan, Dilshad Miya threw explosive on the house of the informant which caused injury to two female members of the family and fled away. Subsequently, the father of the informant was taken to the hospital where he was declared dead.

It is submitted by learned counsel for the petitioner that in the background of land dispute, accusation has been levelled. It is further submitted by learned counsel for the petitioner that there is specific accusation of firing on the four accused persons including the petitioner but the post mortem report suggests only one injury on the body of the deceased. It is further submitted that co-accused, Sarfaraj Alam @ Nipu has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.05.2017 passed in Cr.Misc. No.14573 of 2017 .

Considering the fact that there is specific accusation of firing and causing fire arm injury whereas the post mortem report reflects only one injury, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Raxaul P.S. Case No.169 of 2016.

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(Dinesh Kumar Singh, J)

