

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10018 of 2019

Arising Out of PS. Case No.-561 Year-2018 Thana- SAUR BAZAR District- Saharsa

Samsul @ Md. Samsul Son of Taimul Resident of village- Lahouna
(Pastpar),p.s-Saur Bazar,Dist-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection with Saur Bazar PS case no. 561 of 2018 registered for the offence punishable under Sections 307 and other sections of Indian Penal Code, 27 of Arms Act and 3/4 of Explosive Substances Act, 1908.

The prosecution case, as lodged by the informant, is that upon receiving information that the erstwhile Mukhiya and the present Mukhiya, who are on inimical terms, have indulged in assault, the police reached there and found large number of persons, 30 named in the F.I.R. and 5-6 unknown persons, armed with arms and ammunitions, were firing on each other and had also hurled bombs. Accordingly, a seizure list was prepared.



The learned counsel for the petitioner submits that he is innocent, it was a mob attack and petitioner is not concerned with the political rivalry between the two Mukhiyas, erstwhile and the present one. It is further submitted that no injury could be attributed to the petitioner as there was a mob attack and both sides were on inimical terms. It is further submitted that the charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. It is further submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 13.02.2019 passed in Cr. Misc. no. 8339 of 2019.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the abovenamed petitioner is directed to be enlarged on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saur Bazar PS case no. 561 of 2018.

(Mohit Kumar Shah, J)

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