

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17378 of 2019

Arising Out of PS. Case No.-173 Year-2017 Thana- MOUZAHDIPUR District- Bhagalpur

MD. CHOTU Son of Md. Riaz @ Raju Driver Resident of Shahbaznagar,
P.S.- Mojahidpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 04.12.2017 in a case registered for the offence punishable under Sections 324, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the while the informant was easing out near railway track, the petitioner, Chhotu and co-accused, Md. Rahmat came there and started quarreling and resorted to fire on each other, which hit on the informant.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 307 of the I.P.C. is made out against the petitioner. Though the petitioner is accused in ten other cases, but out of ten cases, in nine cases he is on bail. It is further submitted that



the impugned order reflects that co-accused Md. Rahmat is accused in 12 other cases, but he has been granted bail by a Co-ordinate Bench of this Court, vide order dated 09.01.2019, passed in Criminal Miscellaneous No. 73047 of 2018.

Learned APP for the State submits that the firing made by the petitioner and co-accused Md. Rahmat hit the informant.

Considering the injury being caused to the informant and the investigation already being concluded, 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 ADJ-I, Bhagalpur in connection with S. T. No. 205 of 2018 (arising out of Mojahidpur P.S. Case No. 173 of 2017).

Since the petitioner is having serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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