

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37805 of 2019**

Arising Out of PS. Case No.-440 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Md. Sitab @ Munna @ Sajid S/O Late Md. Ishtehar @ Md. Mukhtar @ Phool
Ahmad @ Md. Mokhtar Ahmad @ Md. Ishtekhar R/o Mohalla- Saadpura,
P.S.- Kazi Mohammadpur, District- Muzaffarpur ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Ajay Kr.Thakur, Advocate and
Babita Kumari, Advocate
For the Opposite Party : Mr.Md. Matloob Rab, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 24-10-2019 Heard learned counsel for the parties and perused the
case diary.

Petitioner is in custody since 17.10.2018 in a case
registered for the offence under sections 302/34 of the Indian
Penal Code and under section 27 of the Arms Act.

It is alleged that the petitioner fired his pistol on the
informant's cousin. It is further alleged that on the order of the
petitioner, his two accomplices, namely, Md. Raja Quaraishi and
Naushad Quraishi also fired upon informant's cousin. The
victim died on the way to the hospital.

Learned counsel appearing for the petitioner submits
that the allegation against the petitioner is motivated as there is
no eye witness to the occurrence and the deceased was also a
notorious criminal, as such, it appears that he was killed by
some unknown criminal due to gang rivalry.



Learned counsel for the informant opposes the prayer for bail. He points out that apart from the petitioner being an order giver, he is one of the assailants of the deceased. Petitioner has got criminal antecedent.

Considering the nature of the allegation, I am not inclined to admit the petitioners to the bail. The bail application of both the petitioner is accordingly rejected.

(Prabhat Kumar Singh, J)

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