

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40778 of 2019

Arising Out of PS. Case No.-662 Year-2018 Thana- HAJIPUR District- Vaishali

RAKESH KUMAR@ RAKESH DAUN Son of Vidha Shah Resident of
Mohalla - Nakhash Chowk, P.S.- Hajipur Town, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 27-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Hajipur Town P.S. Case no. 662 of 2018, registered under Sections 147, 148, 149, 295(A), 153(a) and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on the festival of Taziya, informant Md. Firoz Quraishi and others were present at Masjid Chowk, Hajipur, where game of lathi rotation was going on. At that time, 5 to 6 unknown persons, putting orange Gamchha on their faces, entered in the procession and tried to push the people from there, then anyhow matter was pacified. But, after short interval, 10 to 15 persons, again, entered in the procession and started firing. The firing of



Mukesh Paswan hit to his son Shanawaz Quraishi and firing of Raju Mahto hit to Arif Kha @ Ayran Kha. At that time, Vicky Sah, Bhola Mahto were identified out of 10 to 15 miscreants moving from there in west direction. While both injured reached for treatment Sadar Hospital, Hajipur, but his son Sahnawaz Quraishi died, while Arif Kha had been referred to Patna for treatment.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Further submission is that specific allegation is against Mukesh Paswan and Raju Paswan, who shot fire at the son of informant and Arif Kha. In course of investigation, the name of the petitioner surfaced in the confessional statement of Mukesh Paswan without any overt act, who has simply stated that this petitioner was also present there. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur



Town P.S. Case No. 662 of 2018, subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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