

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72483 of 2018

Arising Out of PS. Case No.-400 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

Md. Isteyak Son of Late Ishak, Resident of Village-Kilagram Puraini, POlice Station-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha

For the Opposite Party/s : Mr.Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 16.8.2018 in a case registered for the offences punishable under Sections 147,148,149 and 302 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the written report of Md. Shahanshah dated 15.8.2018 submitted to the SHO, Jagdishpur Police Station is to the effect that on the same day at 4.10 A.M., the informant came out from his house to offer Namaj, in the meantime, he heard sound of gun firing at 4.15 A.M., came on the way and he found his father, Md. Maksud Alam lying on the ground with two injuries – one on his left eye and the other on the left side of his back. The father of the informant conveyed that the four FIR named persons including the petitioner and five unknown persons demanded Rupees Ten



Lacs as extortion and due to non-fulfillment of the same, they have shot at him.

It is submitted by learned counsel for the petitioner that it appears improbable that the father of the informant, after receiving that kind of injury, was in a position to spell out the name of four accused persons. Admittedly, the informant is not the eye witness to the occurrence and during investigation, nor any eye witness account surfaced during investigation. It is further submitted that there is specific accusation of firing against four persons when only two injuries have been found on the person of the deceased.

Learned counsel for the informant submits that the victim's oral statement clearly suggests that the petitioner was one of the assailants and the occurrence took place in the background of non-payment of extortion money. Learned APP, after going through the case diary, submits that the victim stated the name of four persons including the petitioner. However, he submits that there is no eye witness to the occurrence.

Considering the fact that accusation of firing by four persons is not being corroborated by the medical opinion, the investigation has already been concluded, statement being made in paragraph 3 of the petition that the petitioner is not having



any criminal antecedent, coupled with the period under custody, let the petitioner above named 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 the learned CJM, Bhagalpur in connection with Jagdishpur P.S. Case No.400 of 2018.

(Dinesh Kumar Singh, J)

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