

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60362 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- MANJHI District- Saran

Sah Mohammad Sai @ Md. Sahu S/o Md. Islam Sai a resident of Village -
Matiyar, P.S. - Manjhi, District - Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-02-2019 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since 30.6.2018 in
a case registered for the offences punishable under Sections
302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case is that on 26.6.2018 at 5.30 A.M.,
while the informant along with her husband and daughter were
going to their poultry farm but on the way, the petitioner caught
hold of the hands of the husband of the informant whereas co-
accused Md. Hussain caught hold of his legs and thereafter, co-
accused Md. Hajrat fired from the country made pistol causing
injury on the right eye of the husband of the informant which
resulted into his instantaneous death.

It is submitted by learned counsel for the petitioner that



the accusation of catching hold of the hands of the deceased when another person was firing at the deceased is unreasonable as no body will jeopardize his own life when the deceased having been killed. It is further submitted that co-accused Md. Hussain Sai who is alleged to have caught hold of the legs of the deceased, has been granted bail by a co-ordinate Bench of this Court vide order dated 31.1.2019 passed in Cr. Misc. No. 74674 of 2018. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the trial is at an advance stage. However, he concedes that the case of the petitioner is on the similar footing with that of co-accused Md. Hussain Sai, who has been granted bail.

Considering the fact that the accusation of firing is against co-accused Md. Hajrat and only one injury has been found to have been caused to the victim, moreover, similarly situated co-accused Md. Hussain Sai, has been granted bail by a co-ordinate Bench of this Court, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and 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 ACJM II, Saran at Chapra
in connection with Manjhi P.S. Case No.161 of 2018.

Since the trial of this case is at an advance stage, the
learned Court below will be at liberty to cancel the bail bonds of
the petitioner in case he defaults on two consecutive occasions.

(Dinesh Kumar Singh, J)

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