

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70643 of 2018

Arising Out of PS. Case No.-122 Year-2016 Thana- AMNAUR District- Saran

Azad Alam @ Aazad Alam, Son of Bhuteli Mansuri, Resident of Village- Jagdishpur, Police Station- Maker, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Maheshwar Ram, recorded by S.I.,Raghunath Prasad, Station House Officer, Amnour Police Station, at P.H.C., Amnour on 14.07.2016 at 02 PM is to the effect that on the same day at about 12 PM, the informant and his son, Ramjeevan Ram were going somewhere, but on the way, due to excessive hot weather, the son of the informant started taking rest, in the meantime, the informant heard the sound of gunshot firing and when he looked back, he saw his son soaked with blood and the informant also saw 8-9



accused persons were escaping away from the scene, out of them, two accused persons were armed with rifle and gun. While fleeing away, one of the accused persons fell down, who disclosed his name as Wasim Akhtar, and he also disclosed the names of other accused persons including the petitioner. The apprehended accused also revealed that the co-accused Arman Ansari was armed with rifle and the co-accused Faiyaz Alam was armed with gun.

It is submitted by learned counsel for the petitioner that the confessional statement of the apprehended accused does not suggest that either the petitioner resorted to fire or he was armed with gun or rifle. It is further submitted that similarly situated accused, Numan Alam has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 09.11.2017, passed in Cr. Misc. No. 52784 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the name of the petitioner surfaced on the confession statement of apprehended accused.

Considering the fact that the petitioner was not named in the FIR, coupled with the statement made in paragraph no.3



of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Amnour P.S. Case No. 122 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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