

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29812 of 2019

Arising Out of PS. Case No.-576 Year-2018 Thana- GAYA KOTWALI District- Gaya

MD. BABLU MIAN @ MD. UMAIR @ BABLU, S/o Md. Ujjain Mian @
Md. Jayar, R/o Mohalla- Baki Gali, Near Taj Colony, P.S.- Kotwali, Distt.-
Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66196 of 2019

Arising Out of PS. Case No.-576 Year-2018 Thana- GAYA KOTWALI District- Gaya

1. ALAM MIAN, Son of Shakoor Mian, Resident of Mohalla - Banke Gali,
P.S.- Kotwali, District - Gaya
2. Md. Firoz @ Firoz Mian, Son of Baudha Mistry Resident of Mohalla -
Banke Gali, P.S.- Kotwali, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29812 of 2019)

For the Petitioner/s : Mr.Raj Dular Sah, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 66196 of 2019)

For the Petitioner/s : Mr.Arvind Kumar Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioner Md. Bablu Mian is in custody since
18.12.2018, whereas, petitioners Alam Mian and Md. Firoz @
Firoz Mian are languishing in custody since 02.07.2019 in a



case registered for the offences punishable under Sections 302 of the Indian Penal Code and Sections 27, 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case as per the Fardbeyan of Chandani Khatoon recorded on 16.12.218 at 7.00 P.M. is to the effect that on 16.12.2018 at 6.00 P.M., the informant's husband, Rinku Mian went to meet one Raushan Munshi. Subsequently, the informant called her husband who informed her that he is coming in few minutes. After some time, the informant heard the sound of gun fire and when she came out of the house, one lady conveyed her that 4-5 persons were assaulting her husband, then she reached at the spot and found her husband in an injured and unconscious condition. The informant noticed that her husband was assaulted by the accused persons, including the petitioners and on seeing the informant, the accused persons fled away from the place of occurrence.

It is submitted by learned counsel for the petitioners that the husband of the informant was a notorious criminal, having numerous criminal cases against him and he might have been killed in that rivalry. Admittedly, the informant actually did not see as who actually assaulted her husband, but



since the petitioners used to object the criminal activity of the husband of the informant, they have been roped in the present case. It is further submitted that the accusation is omnibus and general against the petitioners and the investigation has already been concluded. Moreover, similarly situated co-accused, Md. Nishu has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.11.2019, passed in Criminal Miscellaneous No. 65306 of 2019. So far as petitioner, Md. Bablu Mian is concerned, specific statement has been made in the supplementary affidavit dated 30.09.2019 that one case has been lodged against him, at the behest of the informant. So far as petitioner Alam Mian is concerned, he is accused in five other cases and petitioner Md Firoz @ Firoz Mian is accused in three other cases.

Learned APP for the State after going through the case diary submits that the informant immediately after the occurrence reached at the spot and saw the accused persons fleeing away from there. Moreover, on conclusion of investigation, chargesheet has been submitted.

Considering the suspicious nature of accusation, particularly in view of the fact that the informant's husband was assaulted in public place but none saw the actual assault



coupled with the fact that the investigation has already been concluded, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gaya, in connection with Kotwali P.S. Case No. 576 of 2018.

(Dinesh Kumar Singh, J)

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