

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75931 of 2019

Arising Out of PS. Case No.-600 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. MD. MAHMUD Son of Tajmul Alam Resident of Ward No.6, Pastpar, Saharsa, P.S.-Saharsa, District-Saharsa.
2. Md. Chhote @ Chhotu @ Md. Chhotu Son of Nikhil Haque Resident of Ward No.7, Lahauna, P.S.-Saharsa, District-Saharsa.
3. Md. Ibrar @ Ibrar Babu Son of Md. Kaushar Resident of Ward No.6, Pastpar, P.S.-Saharsa, District-Saharsa.
4. Md. Murshid @ Md. Murshid Abi Son of Md. Taiyab Resident of Ward No.6, Pastpar, P.S.-Saharsa, District-Saharsa.
5. Faisal Alam @ Faisal Son of Md. Shivgatukalah @ Md. Shivgatullah Resident of Ward No.6, Pastpar, P.S.-Saharsa, District-Saharsa.
6. Md. Imtaj Alam @ Tilwa @ Imtaj Alam Son of Koushar Resident of Ward No.6, Pastpar, P.S.-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-11-2019 This application, for grant of anticipatory bail, arises out of Sourbazar (Patarghat O.P.) P.S. Case No. 600/18, disclosing offences under Sections 302, 307, 341, 323, 504, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation as per F.I.R. is that while the informant along with his brother Krishna Sharma went to Md. Zakariya (Maulvi) at Sourbazar for treatment through “Jhaar Phook”, all



of a sudden petitioner and several other accused persons came there and surrounded the house of Md. Zakariya and co-accused Md. Misoh @ Haider Kamal ordered to kill Zakariya, upon which, Md. Magrub fired from his rifle, which hit brother of informant Krishna Sharma, who fell down and, thereafter, other accused persons also started firing indiscriminately. After some time, he took his brother to hospital, who died during treatment.

Submission of learned counsel for the petitioners is that they have falsely been implicated in this case and no specific allegation has been attributed to them and so far allegation of firing causing death of deceased Krishna Sharma is concerned, the same has been attributed to Md. Magrub.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner nos. 1,2,3,4 and 6 are concerned, in the event of their arrest or surrender before the court within three weeks, they are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Sourbazar (Patarghat O.P.) P.S. Case No. 600/18, subject to the condition laid down under Section 438 (2)



of the Code of Criminal Procedure with further subject to the condition that they will have to cooperate in investigation and appear before the police as and when required.

So far petitioner no. 5 is concerned, considering the facts and circumstances of the case and also the fact he is accused in as many as five other cases, as such, I am not inclined to grant the privilege of anticipatory bail to petitioner no. 5 rather he has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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