

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80188 of 2019**

Arising Out of PS. Case No.-116 Year-2019 Thana- KHAIRA District- Jamui

MD. SATTAR MIAN @ SATTAR MIAN Son of Chhotu Mian Resident of
Village-Chauki Tand, P.S-Khaira, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khaira P.S. Case No. 116 of 2019, registered under Sections
147, 148, 149 and 302 of the Indian Penal Code and Section
27 of the Arms Act.

The accusation is that on 24.04.2019 at about
7.00 P.M. the informant Ram Yadav along with his son
Sakaldeo Kumar Yadav were returning to his house after
attending the Tilak function from the house of Rito Yadav. In
the way, nine persons named in the F.I.R., including the
petitioner, were seen on three motorcycles, Nabab Mian, Ataul
Ansari, Haidar Mian and Ibrar Mian got down from the
motorcycle having firearm in their hands and remaining



persons i.e. Sattan Mian, Aftab Mian, Maneer Mian, Afjal Mian and Warish Mian also got down from the motorcycle and they caught hold his son Sakaldeo Kumar Yadav. Thereafter, Nabab Mian, Ataul Ansari, Haidar Mian and Ibrar Mian fired at his son and proceeded towards Muslim tola. Thereafter, Sakaldeo Kumar Yadav was rushed to the hospital, where he was declared dead.

Learned counsel for the petitioner submits that while petitioner along with nine persons are named in the F.I.R., but it would appear from the F.I.R. that only Nabab Mian, Ataul Ansari, Haidar Mian and Ibrar Mian were armed with firearm and they fired on Sakaldeo Kumar Yadav, son of the informant. Further submission is that only allegation against the petitioner and Aftab Mian, Maneer Mian, Afjal Mian and Warish Mian that at the time of occurrence they had caught hold the son of informant, but it is beyond imagination that if a person will be caught hold by five persons, he could not not be killed by firing without sustaining injury to the persons, who surrounded the injured/deceased. Moreover, the petitioner has no criminal antecedent and he is in custody since 16.05.2019.

Having regard to the facts and the circumstances of



the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 116 of 2019.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

