

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81603 of 2019

Arising Out of PS. Case No.-470 Year-2019 Thana- GAYA KOTWALI District- Gaya

Md. Jamil @ Md. Jamiluddin Son of Abdul Hakim Resident of Mohalla -
Panchayati Akhara, Tootwari Road, P.S.- Kotwali, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. N.K.Agrawal, Senior Advocate and
Mr. Kunwar Narayan Jamuar, Advocate

For the State : Mr. Rajendra Singh, Addl Public Prosecutor

For the informant : Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAI ORDER

2 12-12-2019 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner apprehends arrest in a case registered for
the offence punishable under sections 147, 149, 153A, 295A and
307 of the IPC and under section 27 of the Arms Act.

As per the FIR, the informant alleges that all of a
sudden he saw that a large number of persons of a particular
community, armed with pistols, gun, rifle, etc. assembled near
the house of his sister and shouting slogans started firing.
Meanwhile, he saw the petitioner and other accused persons
from the top floor of the house were making fire from their gun
towards the first floor of the house of his sister. Said crowd was
also throwing stones. Informant has further stated that five
members of the family of his sister, who were watching the
activity of the crowd from the first floor of the house, received
fire arm injuries.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to
previous enmity with the informant and his relative. He submits
that the incident of firing and stone pelting by the crowd are said



to have taken place at 9 PM and it is highly improbable to identify the petitioner in dark night from a far distance without there being any source of identification. Learned counsel further submits that for the same offence, two FIRs were lodged and in the FIR lodged by the police petitioner has not been made accused. It is further submitted that in the entire FIR there is no allegation that the petitioner caused injury to anyone. There is general and omnibus allegation, petitioner has got no criminal antecedent and there is no allegation that he ever tried to tamper the evidence.

Learned counsel for the informant opposes the prayer for bail. He states that five persons sustained fire arms injuries, though he did not produce relevant injury reports. However, pointing to the injury reports, appended by the petitioner's counsel contained in Annexure 5 to the bail petition, he states that on account of the targeted firing opened by the petitioner and other accused persons towards the first floor of the house of informant's relative, causing lacerated wounds to Ritik Kumar, Sunaina Devi and Varsha Kumari, though the nature of injuries has been kept reserved by the doctor.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within a period of six weeks from today, let the petitioner, mentioned above, 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 Chief Judicial Magistrate, Gaya in Gaya Kotwali Police Station Case No. 470 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

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(Prabhat Kumar Singh, J)

