

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1300 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- BALIYA District- Begusarai

Md. Jamshed, aged about 19 Years, male, Son of Late Md. Anwar, Resident of Village- Mansurchak, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-05-2020 Heard Mr. Ram Sumiran Rai, learned counsel for the petitioner and learned counsel appearing for the State through video conferencing.

The petitioner seeks regular bail in connection with Balia P.S. Case No. 324 of 2019 [G.R. No. 3097 of 2019] registered for the offence punishable under Section 302/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

The allegation against the petitioner as per the First Information Report is that on the date of occurrence i.e. on 25.08.2019 there was marriage ceremony at village-Mansurchak at the house of Md. Akbar. In the meanwhile, the nephew of Md. Akbar (i.e the petitioner) and some unknown persons started



opening celebratory firing and dancing in the marriage party and further the petitioner -Md. Jamshed opened fire which hit Md. Saddam (deceased) resulting in his death.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as he has not committed any offence in the manner alleged. Learned counsel further submits that petitioner has been implicated at the behest of Md. Akbar i.e. the host, with whom the family of the petitioner has inimical terms. Learned counsel further submits that from perusal of the First Information Report it would be evident that other persons were also dancing and making celebratory firings and it cannot be said with certainty that the deceased received gun shot injury due to the firing made by the petitioner. Learned counsel referring to the supervision note at paragraph no. 59 of the case diary submits that during investigation it has come to light that petitioner had no enmity with the deceased and there was no motive of the petitioner to kill the deceased.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the fact that due to celebratory firings done by some members of the marriage party the death of deceased has taken place and petitioner



is in custody since 26.08.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 324 of 2019 [G.R. No. 3097 of 2019].

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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