

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13628 of 2020

Arising Out of PS. Case No.-739 Year-2018 Thana- ARA NAGAR District- Bhojpur

SARLA MIYA @ ANWAR QURAISHI @ MD.ANWAR S/O Late Alizan
Resident of Muhalla - Kasai Tola (Milki), P.S.- Ara Nagar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 387, 302, 307/34 and 120 B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

While the informant was running his shop all the named accused persons including the petitioner reached there with arms and started demanding Rs.1,00,000/- from his brother and on denial thereof, they started abusing and on protest co-accused Khursid and Nair Mian made resorted firing resulting which his brother died on the spot. Co-accused Babli and Shamsheer fired on him and he sustained injury in his abdomen and became unconscious. The reason behind the occurrence is



non-fulfillment of demand of ransom made by the accused persons.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in the due to dirty village politics. Petitioner was not present at the place of occurrence and had no knowledge about the occurrence prior to arrest. It is also submitted that the nature of the injury is hard and forceful but the doctor has not found any fire-arm injury upon the informant. Chargesheet has already been submitted and there is no allegation of tampering with the evidence against the petitioner. Similarly situated co-accused, namely, Md. Samsher Miya @ Shamsheer Miya has been enlarged on bail by a co-ordinate Bench of this court vide order dated 23.01.2020 passed in Cr. Misc. No. 55575 of 2019.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IX, Bhojpur at Ara in connection with Sessions Trial No.117/19, arising out of Ara Town P.S. Case No.739 of 2018, subject to the following conditions :



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J.)

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