

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13567 of 2020

Arising Out of PS. Case No.-104 Year-2018 Thana- DALSINGHSARAI District- Samastipur

MD. AADIL @ TANJEEM AFAK Son of Mohammad Afaq Ahamad @
Mohammad Afak Ahamad Resident of Village - Pandh, Ward No. 07, P.O.-
Chakbahauddin, P.S.- Dalsinghsarai, Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 307, 302 of the Indian Penal Code and
27 of the Arms Act.

The prosecution case, in short, is that on trivial issue
over serving breakfast in barat party, the accused persons, fired
at the son of the informant due to which he sustained injury and
later succumbed to the injury.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Though in the F.I.R., it is alleged that the petitioner had fired but in course of investigation, the prosecution witnesses have not supported the case. Considering the same, the police after investigation submitted final form against the petitioner finding the allegation against the petitioner to be false. The Court below had differed with the police report and took cognizance.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts that the police has found the case to be false against the petitioner and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of C.J.M., Dalsingsarai in connection with Dalsingsarai P.S. Case No. 104/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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