

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.829 of 2020

Arising Out of PS. Case No.-784 Year-2019 Thana- PHULWARISHARIF District- Patna

MD. HIDAYAT @ MD. RAJA S/o Late Md. Habib, Resident of
Phulwarisharif Ishapur, Naharpur, P.S.-Phulwarisharif, Town and District-
Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamala Kant Tiwary
For the Respondent/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-06-2020 Heard both sides through Video Conferencing.

The appellant seeks bail in Phulwari Sharif P.S. Case No.784 of 2019 registered under Sections 341, 307 and 34 of the IPC and under Section 27 of the Arms Act and Section 2 (i) (v) of the SC/ST Act.

The informant alleged that while he was going along with his friend, namely, Baua on his motorcycle, some persons were standing on the road. Even after blowing horn, the persons standing on the road did not clear the road. On such, his friend asked them to give way thereafter Md. Raja is said to have asked Md. Sahin to fire. On such order, Md. Sahin fired from his pistol which hit in the abdomen of the informant.

Learned counsel for the appellant submits that only



allegation against the appellant is that he is an order giver. There is no overt act against the appellant. The appellant is in custody since 17.08.2019. The appellant has already remained in jail for more than eight months on the allegation of being order giver.

On the other hand, Mr. Dashrath Mehta, learned A.P.P. vehemently opposed the prayer for bail.

Having considered the facts that the appellant is an order giver, who is in jail for more than eight months, the appellant named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Special Case No.404 of 2019 arising out of Phulwari Sharif P.S. Case No.784 of 2019.

Accordingly, the appeal is allowed.

(Prabhat Kumar Jha, J)

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