

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18111 of 2020

Arising Out of PS. Case No.-23 Year-2014 Thana- MANPUR District- Nalanda

Md. Asif, Son of Ehsan Alam @ Munnu Mean, Resident of Village - Peruka,
P.S.- Manpur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 29-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Manpur P.S. Case No.23 of 2014 instituted for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act, which is pending in the court of learned A.C.J.M.-V, Nalanda at Bihaersharif.



The informant has alleged that accused Md. Sajid has called his brother and taken him away outside his house and then they both proceeded to village-Peruka and thereafter he saw that firing was made by pistol by the petitioner and other co-accused. To save his life, his brother took shelter in the house of one Madan Lal Mochi, but all the accused persons chased him and started indiscriminate firing, as a result of which his brother died instantaneously. The allegation of multiple firearm injuries is attributed to other accused persons, including the petitioner.

Petitioner's counsel submits that specific allegation of firing on the temple of the deceased is attributed to the petitioner. However, there is no blackening injury on the temple. The allegation against the petitioner is not supported by the post-mortem report. The parties are on inimical terms since before, as the deceased had shot the petitioner's father dead earlier.

Learned APP referring to various paragraphs of the case diary submits that the firearm injury is reported near-about the eye. There are multiple firearm injuries on the deceased.

Considering the rival submissions and the nature of



allegations, this Court for the present is not inclined to allow the
petitioner’s prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

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