

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26715 of 2020

Arising Out of PS. Case No.-96 Year-2016 Thana- CHANDRADIP District- Jamui

MD. AZHAR @ SUFIYAN @ ASHRUDDIN @ ASHER S/O- Md. Aslam
Sah Resident of Village - Khutaha, P.S. - Barahiya, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-11-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Chandradeep P.S. Case
No. 96 of 2016/G.R. No. 1919 of 2016, registered for the
offence punishable under Sections 302, 307, 120(B) and 34 of
the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, on 08.10.2016 at 8.10 am,
while the informant and his cousin brother Md. Aslam taking tea
at the shop of Rajendra Yadav, two persons namely, Md Azhar
(petitioner) and co-accused Raj Kishore on a motorcycle came
there and stopped their bike at the shop. Thereafter, on the
direction of Md. Azhar (petitioner), co-accused Raj Kishore



fired upon the cousin brother of informant namely, Md. Aslam which hit his chest, as a result of which he died. The petitioner is alleged to have escaped from the place and co-accused Raj Kishore was apprehended by the police. The alleged motorcycle was being driven by the petitioner.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to previous enmity which is apparent from the FIR itself. None of the witnesses had seen the occurrence and identified this petitioner. Petitioner is alleged to be the driver of said motorcycle. Specific allegation of firing is against co-accused Raj Kishore. Other co-accused have been granted bail by this court. Petitioner is in custody since 14.06.2019.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Jamui/Incharge Successor Court in connection with Chandradeep (Jamui) P.S. Case No. 96 of 2016/GR No. 1919 of 2016, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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