

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23643 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- KUMAR KHAND District- Madhepura

MD. AZIM @ AZIM MIYAN Son of Md. Abbas Resident of Village -
Tikulia, Ward No. 09, P.S.- Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-09-2020 Heard Mr. Uday Chand Prasad, learned counsel for
the petitioner and Mr. Rabindra Kumar, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Kumarkhand PS Case No. 243/2019 registered for the offence
punishable under Sections 307, 120(B), 34 of the IPC and 27 of
the Arms Act.

3. The allegation against the petitioner as per First
Information Report is that petitioner along with other accused
persons came to the informant and called him and when
informant came out, one Panchanand Das snatched the mobile
of informant and another co-accused, Chandan Sah ordered
Panchanand to fire upon the informant. Panchanand Das fired
which hit the stomach of the informant. It is further alleged that



on the order of Chandan Sah, the petitioner, Md. Azim fired upon the informant but the bullet did not hit him and missed the target.

3. Learned counsel for the petitioner submits that the petitioner has falsely been dragged in this case due to village politics. Learned counsel further submits that there is specific allegation of firing against the co-accused, Panchanand Das and the firing, allegedly made by the petitioner, did not hit the informant.

4. Learned counsel for the petitioner further submits that charge-sheet has been submitted in this case and there is no likelihood of the petitioner to abscond or tamper with the evidence. Learned counsel also submits that the petitioner was not having any criminal antecedents. However, after arrest of the petitioner in this case, he was remanded in two other cases, in which learned court below itself has granted bail to this petitioner. The petitioner is in custody since 09.01.2020.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that bullet fired by the petitioner did not hit the informant, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioner, Md. Azim @ Azim



Miyan be released on bail, if he is not required in any other case, on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrare, Madhepura in connection with Kumarkhand PS Case No. 243 of 2019, subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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