

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33015 of 2020

Arising Out of PS. Case No.-348 Year-2019 Thana- MINAPUR District- Muzaffarpur

ANWAR ALAM KHAN S/o Late Washi Ahmad Khan R/o village- Turki
Purani Gharari, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Alok Kumar Alok, Advocate.
For the State	:	Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 21-12-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 04.12.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Minapur P.S. Case No.348 of 2019 registered under Sections 302/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that in the month of April, 2019, the informant Vijay Kumar received the call on his mobile from Mobile No.9089349248 and that person disclosed his name as Rakesh Rai,



saying that he had committed the murder of Munshi of Ram Swarath Rai and demanded ransom of Rs.10,00,000/- from the informant, saying that otherwise he would kill him. Thereafter, the informant informed the administration in that regard. On 01.07.2019 in the morning, when the informant was present at Sanichara Sthan Chowk, in the meantime, he heard the sound of firing at the tea shop of Rajendra Sah and also saw the persons, present there, fleeing hither and thither. Thereafter, the informant reached near the tea shop of Rajendra Sah and saw Rakesh Rai, Dinbandhu Rai, Maya Shankar Rai and Guddu Kumar along with their some unknown associates fleeing away, boarding on three motorcycles. At that time, the informant saw his brother Ajay Kumar lying in a pool of blood, who was screaming and speaking that Rakesh Rai, Dinbandhu Rai, Maya Shankar Rai, Guddu Kumar along with their associates have shot fire at him. Thereafter, the brother of the informant was rushed to ITM Hospital, Muzaffarpur, where he was declared dead in course of treatment by the doctors.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, the name of the petitioner surfaced in this case in the confessional statement of one of the F.I.R. named accused Rakesh Rai and one non-F.I.R. named accused Rishi Raj. Thereafter, the petitioner was apprehended in connection with this case on 05.07.2019 and since then he is in custody. Further submission is



that the petitioner is also accused in Minapur P.S. Case No.243 of 2003, Minapur P.S. Case No.86 of 2016 and Minapur P.S. Case No.62 of 2013 but he is on bail in all the aforesaid cases. After apprehending in this case, the petitioner was also made accused in Minapur P.S. Case No.355 of 2019 registered under Sections 25(1-b) (a), 26 and 37 of the Arms Act. Earlier, the petitioner had also filed Criminal Misc. No.70814 of 2019 for grant of bail but the same was dismissed as withdrawn on 18.12.2019 with liberty to file a fresh application after a period of six months.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur P.S. Case No.348 of 2019.

(Rajendra Kumar Mishra, J)

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