

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34921 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- LODIPUR District- Bhagalpur

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MONU @ MD. MURTAZA @ MD. MONU S/o Late Md. Haidar Resident of
Village-Ishakchak, P.S-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Uma Nath Mishra, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Lodipur P.S. Case No. 46 of 2020 for the offence punishable under Sections 387, 386, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant is stated to have gone to watch cricket match at Laluchak Bhattha on the alleged date and time of occurrence and he had a sum of Rs. 60,000/- in his pocket, which had made his pockets swell, on account of which the



petitioner and the co-accused person had targeted him and taken him away from Laluchak Bhattha, whereafter the petitioner had caught him and then the co-accused person namely Md. Sarwar had fired gun shot on the stomach of the informant causing bullet injury and then the said Md. Sarwar had taken out a sum of Rs. 60,000/- from the pocket of the informant, whereupon they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 16.03.2020. The learned counsel for the petitioner has further submitted that if at all any allegation has been leveled regarding firing gun shots, it is against the co-accused person and not against the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent, he is rotting in jail since 16.03.2020 and there is no allegation of any sort of specific overt act having been engaged in by the petitioner herein, I



deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Lodipur P.S. Case No. 46 of 2020.

(Mohit Kumar Shah, J)

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