

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70974 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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AASHISH KUMAR SINGH @ AASHIQUI Son of Deodatta Prasad Singh
Resident of Mohalla - Subhash Nagar Road No. -3, P.S.- Sadar, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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

ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kazimohammadpur P.S. Case No.440 of 2018 registered under
Sections 302/34 of the Indian Penal Code besides Section 27 of
the Arms Act.

The accusation is that while the informant Maimun
Nisha was on the ground to graze the she-goat in the afternoon
of 15.10.2018, at that time, Md. Sitab alias Munna, Md. Raja
Quareshi and Naushad Quareshi borne on motorcycle came
there and started to abuse to Nasim alias Billa, the nephew of
the informant. When Nasim alias Billa, the nephew of the



informant, made protest, then Md. Sitab alias Munna took out the pistol from his waist and shot fire at him and also ordered his associates to shot fire. Thereafter, Md. Raja Quareshi and Naushad Quareshi shot fire through their pistol at Nasim alias Billa, the nephew of the informant, and all moved from there boarding on the motorcycle. While Nasim alias Billa was being rushed to the hospital for treatment but he died in the way.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner is not named in the F.I.R. and there is specific allegation against Md. Sitab alias Munna, Md. Raja Quareshi and Naushad Quareshi to shot fire at Nasim alias Billa, the nephew of the informant, but, in course of investigation, only to save the real culprits, named in the F.I.R., the witnesses in paragraphs-22, 23 and 24 of the case diary stated that this petitioner used to visit with the co-accused Md. Sitab alias Munna and he was seen in the village before the occurrence. The Statement of Md. Sitab alias Munna was also recorded in which he has only stated the name of the petitioner as his associate without any specific overt act. Thereafter, the police recorded the confessional statement of the petitioner showing his involvement in the present case. The petitioner, in the present case, is in custody since



15.06.2019.

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 Sub Judge-I, East, cum-Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Kazimohammadpur P.S. Case No.440 of 2018. Out of the two sureties, one must be either parents or the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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