

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83368 of 2019

Arising Out of PS. Case No.-108 Year-2018 Thana- BIHIA District- Bhojpur

SAJJAD MIYA @ MUSS MIYA Son of Shamim Miya Resident of Village -
Gaura, P.S.- Bihia, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-06-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 394 and 302 of the Indian Penal Code and
27 of the Arms Act.

Prosecution allegation, in short, is that the accused persons
variously armed intercepted the brother-in-law of the informant and
shot fire on him due to which he sustained injury and later died in
course of treatment.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 10.07.2019. Charge-sheet/prosecution



report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confession of co-accused. There is no recovery of any incriminating articles from the possession of the petitioner. The petitioner has not been put on T.I.P. Other co-accused has been granted bail vide Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of learned A.C.J.M. XII, Bhojpur, Ara in connection with Bihia P.S. Case No. 108/2018.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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