

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23074 of 2021

Arising Out of PS. Case No.-400 Year-2019 Thana- GOGRI District- Khagaria

MD. AZHAR @ MD. AZHAR ALI, Son of Gohar, Resident of Village -
Chhoti Malia, P.S. Gogri, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Adv.
For the State	:	Mr.Md.Sufiyan, APP
For the Informant	:	Mr.Jai Kisun Pd., Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief is that the informant alleging therein that his son was taken out of his house forcefully by co-accused Md. Istiyak and others. On 20.11.2019 Md. Istiyak had threatened to kill by firing and in accused persons took away his son and co-accused Md. Istiyak shot his



son due to which he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. There is specific allegation against co-accused, namely Md. Ishtiyak shot his son of the informant and he has been granted bail by a co-ordinate Bench of this Court vide order dated 12.02.2021 passed in Cr. Misc. No.22030/2020. Both parties are Gotias and the petitioner is only member of mob. There is no specific overt act against the petitioner. The petitioner is languishing in judicial custody since 03.09.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. The other similarly situated co-accused has been granted bail by another co-ordinate Bench of this Court vide order dated 21.12.2020 passed in Cr. Misc. No.27263/2020.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in



connection with Supplementary Gogari P.S. Case No. 400/2019,
G.R. No. 3442/2019 to the satisfaction of learned Court below
where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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