

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28622 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- UJIYARPUR District- Samastipur

MD. IMTIYAJ @ MD. IMTEYAZ AHMAD Son of Md. Sakir Resident of
Village - Satanpur, P.S.- Ujiyarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Sr. Advocate Mr. Pramod Kumar Singh
For the Opposite Party/s :		Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-12-2021 Heard Sri Ajay Kumar Thakur, learned senior
counsel for the petitioner and Sri Ahshansh Ankit, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection Ujiyarpur P.S. Case
no. 260 of 2020 registered for the offence punishable under
sections 302, 120B/34 of the Indian Penal Code read with
section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 23.11.2020 and charge sheet has
been submitted and petitioner has antecedent of one case under
section 379 IPC. Learned senior counsel for the petitioner
further submits that from perusal of the allegation as alleged in
the FIR, it would manifest that the informant alleges that his



brother Sandep Kumar was called by Ramashish Rai for settling money dispute and when Sandeep reached at the shop of Ramashish Rai, one Ankit Kumar along with three unknown persons were waiting for his brother at the shop, on seeing the victim, it is alleged that accused persons started firing on the brother of the informant who was hit on his head and chest and died on the spot. Learned senior counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has specifically attributed firing against Ankit and Ramashish Rai @ Hari Om on account of which his brother died. It is further submitted that petitioner is not named in the FIR and his name during course of investigation transpired in the confessional statement of co-accused Kesaw Mishra and Kesaw Mishra @ Keshaw Prashar has been granted bail by order dated 15.4.2021 in Cr. Misc. no. 6458/2021. Learned counsel submits that apart from confessional statement, in investigation, it has also come that petitioner in CCTV footage was seen fleeing from the place of occurrence with a gun in his hand.

Learned counsel for the informant opposes the bail application and submits that it is true that name of this petitioner has transpired in the confessional statement of Kesaw Mishra



but then petitioner has also been captured in CCTV footage fleeing from the place of occurrence with a gun in his hand and as such petitioner is instrumental in committing the occurrence.

Learned senior counsel for the petitioner submits that in the FIR specific allegation of firing is against Ankit and Ramashish Rai @ Hari Om and even post mortem report shows two firearm injuries.

Learned APP also opposes the prayer for bail.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and allegation of firing is not attributed against him and even in CCTV footage he was seen fleeing away with a gun in his hand and the fact that the informant specifically alleged against only two accused, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Dalsingsarai, District Samastipur in Ujiyarpur P.S. Case no. 260 of 2020.

(Satyavrat Verma, J)

s.hassan/-

U		T	
---	--	---	--

