

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30184 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- BANGARA District- Samastipur

MD. RAHMAT Son of Late Md. Illiyas Resident of Village- Rahimabagh,
P.S.- N.H. Bangra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Manoj Kumar No. 1,A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

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

As per prosecution case, while son of the informant
was strolling on the road, at the relevant date and time, in the
meantime, four miscreants riding on two motorcycles came
there and one motorcycle was driven by this petitioner and
pillion rider Md. Aijaz fired at his son as a result of which his
son received bullet injury on his chest. On the sound of firing,
informant and his nephew raised hulla which attracted villagers
and his family members. Informant further states that his son



was carried to hospital where doctor declared him dead.

Cause of occurrence is that some years ago, cousin nephew of the informant Md Aarzoo was tried to be killed by this petitioner causing injury on his stomach for which Bangra P.S. Case no,. 120/2017 was lodged.

It is submitted on behalf of petitioner that it is apparent from the FIR that allegation of firing is against co-accused Md. Aijaz and this petitioner is alleged to be driving the motorcycle and there is no allegation against this petitioner that made any firing or assaulted to the deceased. Petitioner has been falsely implicated in this case after due deliberation due to previous enmity. Petitioner is in custody since 24.12.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Samastipur in Bangra P.S. Case no. 25/2020 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and



shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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