

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33958 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

MD. TAUSIF @ MD. TAUSIF ALI @ FUCCHO S/O MANNOBIR SULTAN
@ MONAWWAR ALI @ MIAN BHAI R/O MOHALLA-SAIDA MARKET,
SAHADAT HUSSAIN LANE, NEAR MUSAFIR KHANA, RAILWAY
GUMTI, TATARPUR, P.S-TATARPUR, DISTRICT-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha- Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 01-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Mojahidpur P. S. Case No.101 of 2020, instituted for the
offences under Sections 341, 323, 379, 385, 307, 506/ 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.01.2021 and charge-sheet has
been submitted in this case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that the same does not inspire any confidence and
prima facie appears that a false case has been instituted to



implicate the present petitioner merely for the reason that petitioner has two criminal antecedents.

Learned counsel for the petitioner submits that the informant alleges that on 15.05.2020 at about 8.00 P.M., the informant was coming home then suddenly co-accused Md. Chotu, Md. Imran @ Murga and this petitioner came riding on a motorcycle and abused the informant by taking his name and took out arms, then the informant turned his motorcycle and tried to flee away, but the said accused persons caught the informant and struck on his face as a result of which, the informant got injured. Thereafter other accused persons fired bullet, but the informant somehow fled away and saved his life. Thereafter family members of the informant went to the house of the accused namely, Md. Chotu for asking as to why he committed the occurrence and on seeing the brother of the informant, the accused persons started firing indiscriminately and demanded rangdari and took Rs.5000/- from the pocket of the informant's cousin and he was also assaulted.

Learned counsel for the petitioner submits that it absolutely does not stand to reason as to why the informant would have gone to the house of the accused for asking why he committed the occurrence and the entire allegation as alleged



only is only to counter the counter-case which has been instituted by wife of co-accused Md. Chhotu.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 06.01.2021 and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Mojahidpur P. S. Case No.101 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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