

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31984 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- MATIHANI District- Begusarai

MD. ARSHAD @ MD. ARSAD @ OSED @ MD. OSED Son of Late Ali
Hasan Resident of Village- Lalpur, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sandip Kumar Gautam
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, P.P. Incharge
For the informant :	Mr. Shubesh Pandey,

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 27-01-2021 Heard learned counsel appearing for the petitioner,

learned Additional Public Prosecutor for the State as well well

as learned counsel appearing for informant.

Petitioner is in jail custody since 30.5.2020 in
connection with Matihani P.S. Case No. 63 of 2020 registered
for the offences punishable under Sections 147, 148, 149, 384,
504, 307, 379 and other minor Sections of the Indian Penal
Code and 27 of the Arms Act.

Petitioner and others are said to have opened fire on
informant and committed loot having entered into his house and,
furthermore, petitioner demanded extortion money from the
informant.

Learned counsel appearing for petitioner submits that



according to the prosecution case itself, none had sustained any injury and so far as demand of extortion money is concerned, admittedly, nothing was paid to the petitioner or any other person. He, further, submits that petitioner has disclosed at para 3 of the petition that earlier four cases were lodged against the petitioner but out of the aforesaid four cases, in three cases, petitioner has already been acquitted and so far as remaining one case is concerned, the same is still pending. He, further, points out that at paragraph No. 45 of the case diary, the Investigating Officer had mentioned some other cases in discredit of petitioner but, subsequently, the Investigating Officer filed a petition before the trial court disclosing this fact that the cases mentioned at para 45 of the case diary was, inadvertently, shown to discredit of petitioner.

On the other hand, learned counsel appearing for informant as well as Additional Public Prosecutor opposed the prayer. Learned counsel of the informant submit that empty cartridges were found on the place of occurrence, which shows the involvement of the petitioner in the alleged crime.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Rajeev Kumar, learned Judicial Magistrate, 1st Class, Begusarai/concerned court in connection with Matihani P.S. Case No. 63/2020.

(Hemant Kumar Srivastava, J)

Spd/-

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