

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7874 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- CHAUSA District- Madhepura

MD. WAKIL KHAN Son of Sursur Khan @ Md. Moeem Khan Resident of
Village - East Fulaut, Police Station - Chausa (O.P. Fulaut), District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 17-04-2021 Heard Mr. Uday Chand Prasad, learned counsel for

the petitioner and learned APP for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Chausa (O.P. Fulaut) P.S. Case No.81 of 2020 registered for
the offence under Sections 341, 323, 333, 353, 307, 504, 506
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The allegation as per the First Information Report is
that the informant-police officer reached near the Panchayat
Building where the police party saw three persons standing to
the west of Panchayat building having weapons in their hands
and upon seeing the police party, they started firing upon the
police party and in return, police party also made firing. It has
further been alleged that petitioner and two other persons were
identified by the police party in the vapor light and the accused



persons including the petitioner made around 20 to 22 round of firing on the police party and one cartridge was recovered from the place of occurrence which was seized by the police in presence of independent witness Sukan Yadav and Gulchal Thakur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive inasmuch as there was a dispute regarding road with Sukan Yadav who had lodged a case against the petitioner bearing Chausa (Fulaut) P.S. Case No.80 of 2020 in which a Panchayat was also held between the petitioner and Sukan Yadav and the present informant, i.e., the Incharge of O.P. who pressurized the petitioner in Panchayati to follow his diktat and when the petitioner refused then he has falsely been implicated in this case. Learned counsel next submits that from perusal of the first information report, it would be evident that the allegation of firing is upon petitioner and others that they resorted to around 20-22 rounds of firing but surprisingly on the spot only one used cartridge has been found in which the said Sukan Yadav with whom, the petitioner had previous dispute has been made seizure list witness. Learned counsel next submits that the petitioner is in custody since 28.05.2020,



charge-sheet has already been submitted and there is no possibility that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and material available on record and the fact that there was dispute between the petitioner and Sukan Yadav with regard to road and Sukan Yadav has been made seizure list witness and the petitioner is in custody since 28.05.2020, there is no possibility that petitioner will abscond or tamper with the evidence, I am inclined to grant bail to the petitioner.

Accordingly, let the above named petitioner 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 learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepur in connection with Chausa (Fulaut O.P) P.S.Case No.81 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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