

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28530 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- MOUZA HIDPUR District- Bhagalpur

MD.MUMTAZ S/O Late Md. Allauddin R/o Mohalla Husainabad, P.S.
Babarganj, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 14 of 2018 for the
offence punishable under Sections 307/504/34 of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3/4 of the
Explosive Substance Act.

The prosecution case, in brief, is that the informant
who claims himself to be the eye witness of the occurrence has
alleged that at about 08:15 PM on 17.01.2018, while he was
sitting at the door of his brother-in-law after having dinner, Md.
Mumtaz (petitioner), co-accused Md. Rinku and three unknown



persons came at the door and abused him. Md. Mumtaz (petitioner) who was armed with gun resorted to fire on the informant, due to which the left shoulder of the informant got injured. Hearing the sound, people assembled there and the petitioner and other co-accused managed to flee away from the place of occurrence exploding country made bombs towards Mogalpura.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that from the injury report, it appears that injury which has been caused by hard and blunt substance is simple in nature. No incriminating material has come in course of investigation. Petitioner has clean antecedent and he is in custody since 05.07.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that from the injury report which is at Para-155 of the case diary, injury which has been caused by hard and blunt substance is simple in nature.

Having heard the parties as well as on perusal of the F.I.R. and the case diary, it appears that there is no independent witness to support the allegation made by the informant. From the injury report (Paragraph No. 155 of the case diary), it appears the injury sustained by the informant is simple in



nature. Prima facie it appears that the petitioner has made out a case to be released on bail.

Court below is directed to release the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 14 of 2018, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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