

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32780 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD TIPU Son of Md. Kalim Resident of Village - Hussainabad, P.s.-
Mojahidpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 341, 290 and other allied sections
of the Indian Penal Code and section 27 of the Arms Act.

As per allegation accused persons including the petitioner
assembled at the alleged place and started firing to create panic
among the local residents and they fire 4/5 rounds in the air and then
the police party arrived at the said place and two co-accused persons
namely, Md. Ashraf and Md. Gufran and other accused persons
managed to escape and accused persons created panic among the local
resident as they were obstructing in selling narcotic drugs in their
area.

The main submissions advanced by Sri Ranjan Kumar Jha



the learned counsel appearing for the petitioner are that in the present case, petitioner was not arrested at the spot as is clearly evident from the FIR, two co-accused persons who are stated to have been apprehended at the spot have been granted bail by the court below vide annexure 2 and one similarly situated co-accused Md. Chotu @ Noor Ali has been granted bail by a bench of this court vide order passed in Cr. Misc. no. 65812 of 2021 and petitioner's prayer has been rejected by the learned court below mainly on the ground of his criminal antecedent.

Sri Rajeev Nayan, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as case diary. FIR goes to show that petitioner was not apprehended at the spot and his name came into light in the statement of co-accused persons who were apprehended at the spot and the said apprehended co-accused persons are on bail and similarly situated co-accused is also on bail vide order passed in the above mentioned miscellaneous case. Though petitioner has criminal antecedent of several cases but as per statement made in para 3, he is on bail in all said cases of criminal antecedent.

In light of these facts and considering the fact that no one sustained injury in the alleged firing as appear from FIR, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the 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 Sri C.B. Barti, Judicial Magistrate, Ist Class, Bhagalpur/ concerned court in Mojahidpur P.S Case No. 202 of 2021.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

