

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37342 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- PUPRI District- Sitamarhi

Md. Wazid Son Of Md. Sajid, Resident of village- Awapur urf sherpur, P.S.-
Pupri, District- Sitamarhi-843314

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pupri P.S. Case No. 16 of 2022 lodged under Sections 147, 148,
149, 341, 323, 307, 302 and 324/34 of Indian Penal Code read
with Section 27 of the Arms Act.

As per prosecution, the present case has been lodged
against 19 named accused persons including the present
petitioner. The cause of dispute as per the prosecution is
Panchayat election, in which the wife of former *Mukhiya* who
contested on the post of Sarpanch had lost the election. It is due
to this reason, they were searching the supporters of the present

Mukhiya Zaffaullah Zaffi. From the F.I.R. the specific allegation against the present petitioner is that pistol was in his hand and he was continuously threatening that whoever shall come forward, he shall kill him. Allegation of firing is also there in the F.I.R. against the present petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that there is general and omnibus allegation against all 19 accused persons. He further submits that petitioner is in custody since 28.01.2022 and charge sheet has already been filed in this case. He further submits that there is one criminal case pending against the petitioner, in which he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Learned counsel for the petitioner also submits that there are other co-accused persons who have already been granted bail by the Co-ordinate Bench of this Court (vide Annexure-2) vide orders dated 24.05.2022 and 14.06.2022 passed in Cr. Misc. Nos. 21466 of 2022 and 19581 of 2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently

opposes the prayer for bail and submits that it transpires from the order passed by the Addl. Sessions Judge-XI that the case of death is due to fire arm injury. As per the post mortem and allegation of fire arm is only and only at the hand of the present petitioner.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner at present but petitioner may renew his prayer for bail after framing of charge. The Trial Court is directed to release the petitioner on bail imposing its own conditions so that petitioner shall not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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