

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41317 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- RAFIGANJ District- Aurangabad

Mausuf Ahmad @ Chhotuji Son of Late Maqbool Ahmad Resident of Bari
Masjid Imadpur, Police Station- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rafiganj P.S. Case No. 99 of 2022 registered
for the alleged offences under Sections 302, 506 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the night guard of brick kiln
of informant was shot dead. The informant showed his suspicion
that co-accused Baba Punji @ Dayanad Yadav with his other
associates shot dead his night guard as he had earlier threatened
the uncle and the cousin of informant and further threatened that
he would commit a murder at brick kiln and would get it



closed.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and he has no concern with the named co-accused Baba Punji. The thrust of allegation is against co-accused Baba Punji and the petitioner has been falsely implicated in this case. Even during the course of investigation, no material has come up to link the petitioner with the offences in question. The petitioner is a driver and he hardly stays even in his village due to the nature of his job. The petitioner has been suffering from oral cancer and was being treated at Kolkata. But, due to incarceration in a false case, he is deprived of the specialized treatment. Charge sheet has been submitted in this case and the petitioner is in custody since 21.05.2022

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that nothing came up against this petitioner during investigation as submitted on behalf of the petitioner, so finding lack of material against the petitioner along with his clean antecedent, the petitioner above named is directed to be released



on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 99 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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