

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52631 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- RAMPUR District- Gaya

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1. Md. Afroz @ Anoj S/O Late Mahmood Alam R/O Khagaul, P.S-Phulwarisharif, District-Patna.
 2. Kallu Mian @ Md. Kallu S/O Late Nizamuddin R/O Mohalla-Gewal Bigha, P.S-Rampur, District-Gaya.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-05-2022 Heard learned counsel for the petitioners, the State and learned for the informant in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioners are in custody in connection with Rampur P.S. Case No. 133 of 2021 instituted under sections 324, 307/34 of the Indian Penal Code and Section 25(1-b)a/26/27/35 of the Arms Act.

The allegation in the FIR is that the informant's son had died and the people were assembled to take mortal



remains to the graveyard. In the meantime, it is alleged that the petitioner no.1, Md. Afroz along with the petitioner no.2 Kallu Mian @ Md. Kallu reached their home and Afroz opened fire which caused injury to Md. Akhtar. The allegation of opening firing is also against the petitioner no.2 who was with the petitioner no.1 but in the FIR, no injury to any person has been attributed to him.

Further allegation against the petitioner no.1 is that when people tried to caught hold of him, he again opened fire which hit the left hand of Md. Mujahid @ Don.

Considering the allegation that has come against the petitioner no.1 of twice opening firing and injuring two persons who were there to mourn the death of the informant's son; this Court is not inclined to grant any relief to him and the bail application so far as the petitioner no.1 is concerned, the same is rejected for the present.

So far as the petitioner no.2 is concerned, although there is allegation that he was also with the petitioner no.1 at the place and had opened fired, no injury has been attributed to him.

The learned counsel for the petitioner submits that the petitioner no.2 has no criminal antecedent and he is in



custody since 29.4.2021 (as stated in para-11 of the bail application).

Considering the fact that petitioner no.2 is having no criminal antecedent and he is in jail since 29.4.2021; this Court is inclined to grant him the privilege of bail. However, if it is found that he do have any criminal antecedent, the bail order with regard to petitioner no.2 shall become infructuous.

Let the petitioner No.2 be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Rampur P.S. Case No. 133 of 2021 subject to the following conditions;-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or



threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

While the bail application of petitioner no.2 is allowed, the bail application of petitioner no.1 stands rejected.

(Rajiv Roy, J)

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