

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43544 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- MANIHARI District- Katihar

Md. Gajni Son of Md. Mokhtar Resident of village- Bauilia, P.S- Manihari,
Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 22-12-2022 Let the defect(s), if any, be removed within four
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
Manihari P.S. Case No. 201 of 2021 lodged under Sections 302,
324/34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, informant has disclosed
being the eye witness that one Md. Asgar shot his father from
behind, while the other accused persons including the present
petitioner were found to be fleeing away with the fire arms in
their hands. The allegation against Md. Mukhtar is to give signal
to leave the place.

Learned counsel for the petitioner submits that there is

no allegation against the petitioner to assault anyone. He was seen only fleeing away from the place of occurrence. Counsel submits that petitioner is in custody since 25.02.2022 having clean antecedent. He further submits that the other co-accused have been granted bail by the Co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54489 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner may not directly assault to anyone but he is the member of mob.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 201 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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