

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55326 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Md. Niyamul @ Natta S/O Md. Kudus @ Budho Miya R/O Village-
Udakishunganj, Ward No. 06, P.S-Udakishunganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 326, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, son of the informant was taking meal in his house then at the same time, a voice came from out side the door that Mantu Bhaiya should come out, on which my boy left the food and came out and said that Sanif goes after eating food in five minutes and again her son taking food then informant came out and saw three F.I.R. named



accused persons were standing at her door with one white colour Apache motorcycle. When my son was late for dinner then Md. Sanif @ Sanfaraj and Md. Niyamul @ Natta both were went outside from village with motorcycle and Md. Niyajul took my son from my door and called him like a friend with his hand on his neck with the intention of killing them by taking them to bahiyar outside the village and three named persons escaped from motorcycle after shooting two bullets in the head. On the sound of firing informant and villagers went at the place and saw her son was lying in injured condition and he was telling us that the three F.I.R. named persons who brought us from home shot us.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is no specific allegation against the petitioner. The petitioner is in custody since 18.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and the case diary submits that in para 21 of the case diary which is statement of victim in which he has stated that petitioner has fired upon the



victim. He further submits that there is direct allegation of firing against the petitioner.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Udakishunganj P.S. Case No. 58 of 2021 pending in the court of learned Additional Chief Judicial Magistrate-1st, Udakishunganj, Madhepura.

Prayer is refused.

(Rajesh Kumar Verma, J)

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