

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10075 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- KASBA District- Purnia

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Md. Siddik @ Md. Siddiquee @ Md. Siddak, aged about 37 years, Son of
Md. Idrish, Resident of Village - Dangraha, P.S. - Kasba, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 31-03-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Kasba P.S. Case No. 111 of 2020, dated 21.08.2020, instituted for the offences under Sections 307, 326 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The victim of this case is the daughter-in-law of the informant, who has alleged that his son, namely,



Subhash Chandra Thakur along with this petitioner and others had come to his house and was looking for the grandson of the informant, namely, Sonu. When the informant told his son that Sonu was not available in the house, he opened fire which hit the daughter-in-law of the informant, who, incidentally is the mother of aforesaid Sonu.

The learned counsel for the petitioner has submitted that the accusation is solely directed against aforesaid Subhash Chandra Thakur, who is the son of the informant and was angry with his nephew, namely, Sonu for his having refused to work with him in a customer care unit set up by him as Sonu was of the view that Subhash Chandra Thakur, his uncle, was into some wrongdoing in his business.

The learned counsel for the State, however, has pointed out that the anticipatory bail application of co-accused/Subhash Chandra Thakur has been rejected by this Court *vide* order dated 21.02.2022 passed in Cr. Misc. No. 10067 of 2021.

A perusal of that order indicates that co-



accused/Subhash Chandra Thakur is the son of the informant, who was angry with his nephew for his refusal to work with him and, therefore, had a reason to retaliate by opening fire.

So far as the petitioner is concerned, he has not been named by the informant even in his further statement with respect to the act of firing and Sonu, the grandson of the informant, also has specifically alleged in his statement recorded in paragraph 11 of the case diary that his uncle/Subhash Chandra Thakur had opened fire which had hit his mother.

It has been submitted on behalf of the petitioner that the case of aforesaid Subhash Chandra Thakur and the petitioner is absolutely different and the petitioner is only said to have accompanied aforesaid Subhash Chandra Thakur to the house of the informant. The reason why the petitioner also has been chosen to be implicated in this case is that he is perceived as an ally of aforesaid Subhash Chandra Thakur as he works with him for his livelihood.

Regard being had to the facts afore-stated and



taking into account the clean antecedents of the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/successor Court in connection with Kasba P.S. Case No. 111 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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