

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64493 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- DHAKA District- East Champaran

Guddu Haji @ Md Atikur Rahman @ Haji Guddu Son Of Motin Resident Of
Village - Mohammadpur, P.S.- Patahi, Distt.- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul
		Mr. Anuj Kumar
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 31.08.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant alleges that her niece Muskan and Rukshar had gone to attend Haldi programme of the son of the petitioner on 13.06.2021 at 8.00 P.M. Further, Muskan came to the house and disclosed that brother of the petitioner Laddu @ Aftab fired with



an intention to kill which hit Rukshar on her chin. It is also alleged that petitioner was provoking to fire. Thereafter, the deceased was taken to hospital, but was declared dead. It is further alleged that the accused persons brought the dead body and left the same at the doors of the sister of the informant.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. No doubt, the occurrence has taken place, but petitioner is not alleged to have fired. It is submitted that a function of haldi was being held in the house of the petitioner and it appears that his brother in happiness fired which mistakenly hit the deceased. It is submitted that there was no intention on part of the petitioner to get the deceased killed as it has been alleged in the F.I.R.

The learned A.P.P. for the State opposes the bail application and submits that even, if it was a celebratory firing, then also the brother of the petitioner had to be careful. He could not have fired from an arm which was not licensed, but is not able to meet the submission of the learned counsel for the petitioner that petitioner is not alleged to be the assailant.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the



submissions made by the learned counsel for the petitioner, the petitioner, above-named, 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 Court below where the case is pending in connection with Dhaka (Pachpakari) P. S. Case No.299 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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