

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7734 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- KIUL District- Lakhisarai

Md. Raja @ Md. Jamiruddin S/O Md. Supan Miya @ Md. Ishu @ Md. Yusuf
Miyan Resident Of Village- Khagaur, P.S.- Kiul, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kiul P.S. Case No. 27 of 2022 registered under sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that when the informant and her family members were at home, five persons lacerated with arms entered her house and told the father-in-law namely Mahendra Bind to repair hand pump then he refused to do so. Thereafter, co-accused Ravikant Yadav on the point of pistol told that come with me otherwise I will kill you, after that he made firing upon the head her father-in-law and another co-accused Chhotu Kumar also made firing upon his head and co-



accused Manikant and Jonshan fired upon his chest due to which he died at the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in F.I.R. rather his name came into light in this case during investigation. It is further submitted that from the F.I.R. it is evident that the specific allegation of firing upon the deceased has been attributed against several co-accused persons. It is also submitted that neither anything incriminating article has been recovered nor any specific allegation of firing has been attributed against the petitioner. Nothing consistent material came against the petitioner to implicate in this offence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 13.09.2022. Similarly situated other co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide order dated. 11.04.2023 in Cr. Misc. No. 74743 of 2022 and order dated 16.12.2022 in Cr. Misc. No. 52149 of 2022.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kiul P.S. Case No. 27 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai.

(Sunil Kumar Panwar, J)

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