

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14307 of 2023

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRI NAGAR District- Madhepura

MD. FARMUD Son of Md. Islam R/v- Laxmipur, Bhagwati, P.S.- Srinagar,
Dist- Madhubani Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sri Nagar P.S. Case no. 85 of 2021 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, while the dada (grand father) of the informant was sleeping on the 'machan', it is stated that at 2.30 am a gun shot was heard. On coming out the informant saw that his grand father had been shot in the head and blood was oozing. He saw five named accused persons including the petitioner herein escaping. The informant further states that Md. Inzar and Md. Samim shot at the informant's grand father as a result of which he died on the 'machan' of Md. Hanif.

4. Learned counsel for the petitioner submits that the



informant is not an eye-witness to the occurrence. The allegations against the petitioner are general and omnibus in nature. A number of co-accused named in the FIR including Md. Inzar who is also said to have fired upon the grand father of the informant have been enlarged on bail vide order dated 19.10.2022 passed in Cr. Misc. no. 2041 of 2022. The petitioner is in custody since 31.11.2022 and charge sheet has been submitted in the case.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the general and omnibus allegation against the petitioner in the FIR, grant of bail to other co-accused including Md. Inzar vide order dated 19.10.2022 passed in Cr. Misc. no. 2041 of 2022, the petitioner having remained in custody for 5 months since 31.11.2022 and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Sri Nagar P.S. Case no. 85 of 2021 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 S.D.J.M, Madhepura.

(Partha Sarthy, J)

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