

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16095 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- RAXAUL RAIL P.S. District- West
Champaran

NEK MOHAMMAD @ RAJ MOHAMMAD S/o Salim Miyan @ Muslim
Miyan Resident of Village- Bada Aurahiya, P.S.- Adapur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sourendra Pandey, Advocate Mr. Rajesh Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 307 and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is stated that while the
petitioner fired on the informant from front, co-accused Bhola
Pandit fired upon him from the back and both of them escaped.
The informant fell down injured.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case for
oblique reasons. The manner of occurrence is other than what



has been narrated in the F.I.R. Co-accused Bhola Pandit has been enlarged on bail vide order dated 22.10.2021 passed in Cr. Misc. no. 18350 of 2021. The petitioner is in custody since 9.10.2020 and undertakes to cooperate in the trial.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, grant of bail to co-accused Bhola Pandit and the petitioner having remained in custody for more than 2 years since 9.10.2020, the petitioner is directed to be enlarged on bail in connection with Raxaul Rail P.S. Case no. 5 of 2018 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 Trial Court at West Champaran, Bettiah.

(Partha Sarthy, J)

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