

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38380 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- RAXOUL (R.T) District- Muzaffarpur

1. MD. ILIYAS SON OF LATE JUMMADIN MIYAN Resident of village - Sirisiya, ward no. 2, P.S. - Nakardei, Distt. - East Champaran
2. MD. SAHEB Son of Anwar Hussain Resident of village - Sirisiya, ward no. 2, P.S. - Nakardei, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Raxaul Rail P.S. Case No. 5 of 2023 registered for the offence under Sections 394, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant alleged that while his brother Dheeraj Kumar was returning home after collection cash of Rs. 15 lacs, the petitioners along with other unknown persons shot fire and robbed him. The informant's brother sustained injury in the alleged occurrence.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case on the basis of suspicion. The informant is not eye witness of the alleged occurrence. Though the petitioners are named in the FIR but during course of investigation this fact came into light that co-accused namely, Ram Prasad shot fired upon the brother of the informant which has also been supported by statements of witnesses mentioned in paras 105, 108 & 115 of the case diary. There is major contradiction between FIR and statements of witnesses. The petitioners have got no criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the petitioners are languishing in judicial custody since 9.2.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be released on bail in connection with Raxaul Rail P.S. Case No. 5 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Railway Judicial Magistrate, West Champaran at
Bettiah.

(Sunil Kumar Panwar, J)

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