

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37939 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- GHOSI District- Jehanabad

Mumtaz Ahmad Son Of Late Hanif Khan Resident Of Village - Dhuriyakala,
P.S. - Vikaramganj, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
instituted for the offence under Section 307 of the Indian
Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, on getting secret
information about transportation of arms and wine by one
accused person by a Glamour motorcycle, the informant
along with S.I. Mumtaz Ahmad (petitioner) started vehicle
checking. Seeing the police party, one person has speed up
his motorcycle, upon which without any order, petitioner
fired upon him with the government revolver causing injury
to that person, namely, Sudhir Kumar and on 11.5.2023 he



died during treatment.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Neither the petitioner has any prior enmity with the deceased nor intention to kill him. The alleged occurrence took place at the spur of moment as the petitioner (S.I.) was on duty and he has signaled to stop the motorcycle for checking but deceased has not stop his motorcycle rather he has speed up his motorcycle and then the petitioner has fired under fear that the biker would dash him. It is further submitted that petitioner was entitled to fire without orders to save his life. At the place of occurrence, no cartridge was found. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 29.3.2023.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that petitioner is named in the FIR. As per postmortem report, doctor opined cause of death due to bullet injury. During investigation, several witnesses have supported the prosecution story.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Jehanabad in connection with Ghosi (Okri O.P.) P.S. Case No. 214 of 2023.

(Sunil Kumar Panwar, J)

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