

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78324 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- SISWAN District- Siwan

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1. Kamruddin Khan @ Fulan Khan S/O Mainuddin Khan R/O Village- Gayaspur, P.S- Siswan, Distt.- Siwan.
 2. Monu Khan @ Imran Khan S/O Tara Hussain Khan R/O Village- Gayaspur, P.S- Siswan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 was also added.

As per allegation in the FIR, five name and 3-4 unnamed accused persons ambushed in mustard crops and opened indiscriminately firing due to which informant sustained gun shot injury. Assuming the informant to be dead, all the accused persons fled away. The son and nephew of the informant taken him to hospital and after three months, injured died.

It is submitted by learned counsel for the petitioners



that petitioners have been falsely implicated in this case. Petitioners are not the assailants. They were simply a member of the mob. General and omnibus allegation has been levelled against the petitioners. Not a single independent witness has yet been examined. Post mortem report shows cause of death due to septicemia. Similarly situated co-accused has already been granted bail by this Court vide order dated 18.10.2023 passed in Cr. Misc. No. 59186 of 2023. Petitioners are languishing in judicial custody since 03.06.2023.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are 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 Judicial Magistrate 1st Class, Siwan in connection with Siswan P.S. Case No. 32 of 2023.

(Sunil Kumar Panwar, J)

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