

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81156 of 2023

Arising Out of PS. Case No.-598 Year-2023 Thana- SIKARPUR District- West Champaran

Mainul Haque @ Moinul Haque @ Mainul Sheikh Son Of Late Amnul Sheikh Resident Of Village- Nautanwa, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504, 506 of the Indian Penal Code Sections 27, 25(1-B) A, 26, 30, 35 of the Arms Act and later on Section 302 of the Indian Penal Code.

3. As per F.I.R., allegation against the petitioner along with other co-accused persons is of assaulting the informant and open indiscriminate firing upon the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Petitioner has got no criminal antecedent mentioned in Para 3 of the bail application. There is no specific overt act against the petitioner rather there is general and omnibus allegation against the petitioner. There is specific overt act



against co-accused Mrityuza Khalifa who assaulted on the head of the informant Md. Nurshad by means of farsa. There is specific overt act against Nabil Ahmad who opened indiscriminate firing upon Iliya causing fire arm injury in his left arm and left side of abdomen. There is specific overt act against Tahkil Ahmad who opened fire upon Santre Sheikh causing fire arm injury in his abdomen. He further submits that petitioner is the member of the mob.

5. Learned APP for the State has opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case and also there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Shikarganj P.S. Case No. 598 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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