

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45728 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- PHULPARAS District- Madhubani

Mushaharu Minya @ Sadre Alam @ Musharu Mian @ Md. Sadre Alam Son
of Late Ibrahim Mian Resident of village - Siswa Barhi, P.S.- Phulparas,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Bharti, Advocate
For the Opposite Party/s :	Mr. Gagandeo Yadav
	Mr. Vinod Kumar
	Mr. Ravi Prakash
	Mr. Udeshya Kumar Yadav
For the State :	Mr. J.N. Thakur , APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Phulparas P.S. Case No. 597 of 2023,
registered for the offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code as well as 27 of the
Arms Act.

3. As per allegation, 19 named accused persons
attacked the house of the informant. They were equipped
with pistol etc. Co-accused namely Enamul, Yakub, Ziyaul,



Asif and Munshi were firing shots. Co-accused Fulo Khatoon and Zeba Pravin ordered the other accused persons to kill the son of the informant. Thereafter, the petitioner along with other co-accused persons caught hold of Shakil, son of the informant, and co-accused Yakub and Ziaur fired shot.

4. Learned counsel for the petitioner submits that 19 persons are named in the FIR. The petitioner is not the direct assailant of the deceased. There is no allegation against him of firing at the deceased rather the allegation of firing is against co-accused, Enamul. His further submission is that the allegation appears to be false as there is allegation against nine persons of catching hold of the deceased. He has also submitted that the post-mortem report was prepared before institution of the FIR.

5. On the other hand, the learned Additional P.P. Shri J. N. Thakur assisted by the learned counsel for the informant caught hold of the deceased along with other co-accused persons for facilitating the main accused in killing of the deceased. Further submission is that the petitioner has three criminal antecedents which have also been disclosed in



para 3 of the bail petition.

6. The petitioner along with other co-accused persons caught hold of the deceased and he facilitated the main assailants in killing of the deceased. He has antecedent of three cases. The petitioner deliberately concealed his criminal history before the court below. As per postmortem report, the death was caused by fire arm.

7. In the facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

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