

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60238 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- TETERHAT District- Lakhisarai

Md. Habib Miyan Son of Md. Suleman Miyan Resident of Village - Marbro
Rahmat Nagar Gali, P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Tetarhat P.S. Case no. 27
of 2021 registered under sections 307, 379, 341, 342, 323, 324
and 504 of the Indian Penal Code and section 27 of the Arms
Act.

3. As per the prosecution case, four accused persons
on two motorcycles are stated to have fired from the pistol. It is
stated that the first shot fired crossed the leg of the informant
and on the second shot having been fired the informant
abandoned his vehicle and ran towards the agriculture field. He
states that he identified Md. Afzal but did not identify two
accused persons.



4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner transpired in course of investigation. It is submitted that the case is falsified from the contents of the injury report insofar as the allegations against the accused persons is of having fired on the informant causing injury to him, however from the contents of the injury report, the injury is said to have been caused by hard and blunt substance. Learned counsel submits that taking this fact into consideration similarly situated two co-accused have been enlarged on bail vide order dated 21.3.2022 passed in Cr. Misc. no. 48585 of 2021 and Cr. Misc. no. 54699 of 2021. The petitioner is in custody since 5.1.2024 and charge-sheet has been submitted in the case.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation as is evident from the order of the learned trial Court, the contents of the injury report which finds mention in the aforesaid order dated 21.3.2022 (Annexure-P/2) granting bail to the co-accused, the petitioner having remained in custody for more than 8



months since 5.1.2024 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Tetarhat P.S. Case no. 27 of 2021, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai.

(Partha Sarthy, J)

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