

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83568 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

MD. BARIK @ MD. WARIK SON OF RASUL MIYAN @ MD. RASUL
R/O VILLAGE- MADHOPUR CHHATA, P.S.- HIRAMMA, DIST.-
SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Adv.
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.
Mr. Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant's father was coming back from Sheohar, two persons started following him by a motorcycle and the person who was a pillion rider shot at the head of the informant's father as a result thereof his father died on the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and he has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior



motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the only eye-witness of the occurrence is Pankaj Paswan, with whom father of the informant was moving on his motorcycle on the alleged date of occurrence and according to him, one Niraj Kumar, who was pillion rider had fired upon the deceased. There is no specific overt act against the petitioner. Petitioner has one criminal antecedent and he is in custody since 30.08.2023.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Considering the submissions made as well as the period of judicial custody, as there is no specific overt act against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sheohar P.S. Case No. 15 of 2023.

7. Petitioner is directed to cooperate in the trial. If the petitioner fails to appear before the learned Court below on two consecutive dates on the date fixed in the case, the prosecution



will be at liberty to file an application for cancellation of bail
bond of the petitioner before the learned Court below.

(Anjani Kumar Sharan, J)

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