

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84580 of 2024

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

Md. Jiyaul Md. Isha R/O village- Siswa Barhi, P.,S- Phulparas, District Madhubai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Adv
For the Informant	:	Mr. Gagandeo Yadav, Adv
		Mr. Ravi Prakash Yadav
For the State	:	Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Phulparas P.S. Case No. 597 of 2023 registered for the offences punishable u/s 302 and 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, all together nineteen persons are said to have attacked the house of the informant. It is further alleged that all the accused persons were armed with pistol, rifles and other deadly weapons. Further, the co-accused



Fulo Khatoon and Jeba Parveen directed the other accused persons to kill the son of the informant, thereafter, the accused persons caught hold of the son of the informant, namely, Md. Sakil and co-accused Md. Inamul fired a shot, killing the son of the informant on the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case wherein two incidents have been clubbed and nineteen persons have been made accused of first attacking the house of the informant and subsequently, when the son of the informant had gone to the Sub-Divisional Office, Phulparas all the accused persons are said to have assembled there and caught hold of the son of the informant and the co-accused Md. Inamul had shot dead the son of the informant. However, there is a general and omnibus allegation against all the accused persons who have caught hold of the son of the informant while the allegation on the petitioner Md. Jiyaul is that he had fired upon Samim and Salim but they managed to escape. Learned counsel has further submitted that the petitioner is not the assailant and the allegation upon him of firing is superficial. It is next submitted that one of the co-accused, namely, Shiv Shankar Paswan has been granted bail by a co-ordinate Bench of this Court vide



order dated 27.09.2024 passed in Cr. Misc. No. 39479 of 2024.

It is lastly submitted that the petitioner has antecedent of three cases as stated in para 3 of the bail petition and is in custody since 27.03.2024.

5. Learned counsel appearing on behalf of the informant has submitted that there is a specific allegation against the petitioner who had fired upon Samim and Salim but they anyhow managed to escape. Learned A.P.P. for the State has vehemently opposed the prayer for bail stating that the petitioner carries criminal antecedent and he does not deserve the liberty of bail.

6. Considering the aforesaid facts and circumstances of the case and from perusal of the FIR, it is evident that the allegation against the petitioner is of firing which has not hit anybody and there is general and omnibus allegation against all others who have caught hold of the son of the informant, coupled with the fact that the petitioner is in jail since 27.03.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Phulparas P.S. Case No. 597 of 2023.



7. The application stands allowed.

(Sourendra Pandey, J)

Jyoti/-

U		T	
---	--	---	--

