

(2021) 03 PAT CK 0013

In the Patna High Court

Case No : Criminal Miscellaneous No. 31936 Of 2020

Md. Kamaal @ Md. Kamal Rahmaan And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 447, 504

Arms Act, 1959 — Section 27

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 PAT CK 0013

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Ashok Kumar Garg, Manoj Kumar

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Ashok Kumar Garg, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioners apprehend arrest in connection with Pupri PS Case No. 110 of 2020 dated 12.05.2020, instituted under Sections 341, 323, 504, 307 and 447/34 of the Indian Penal Code and 27 of the Arms Act, 1959.
4. The allegation against the petitioners and others is general and omnibus of assault but against co-accused Md. Nizam, it is of firing which injured the informant in the abdomen.
5. Learned counsel for the petitioners submitted that only one bullet injury has been found on the person of the informant and there is no other injury which clearly disapproves the fact that the others, including the petitioners, had

assaulted him. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the informant has been grievously injured by firing. However, he did not controvert that the petitioners are not alleged to have shot at the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Pupri, District -Sitamarhi in Pupri PS Case No. 110

of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a

close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall

co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to

cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.