

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21352 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -JAMUI District- JAMUI

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1. Md. Shamsad Alam, son of Late Md. Shahabuddin resident of Village - Mohisouri
2. Md. Shamsad son of Late Maulvi Barique resident of village - Azad Nagar, both P.S. - Jamui, District - Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party : Mr. Nagendra Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-05-2017 Heard both sides.

The petitioners seek bail in Jamui P.S. Case No. 39 of 2017, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, mother of Md. Khurshid, alleged that Chandan Kumar Singh came to her house on 10.02.2017 at 05:30 in the evening and took Md. Khurshid and his friend Md. Raja @ Shahid to Maniadda Chowk. The informant heard that her son Md. Khurshid and Md. Raja @ Shahid were shot dead by Chandan Kumar Singh, Rocky Singh and Aashu Singh. The informant further disclosed that Md. Shamsad Alam and Md. Shamsad, the petitioners gave money to Chandan Kumar Singh, Rocky Singh and Aashu Singh to kill her son and Md. Raja @ Shahid.

Learned counsel for the petitioners submits that the



informant is not an eye witness of the occurrence. The informant has not disclosed that from whom she got information about killing her son and Md. Raja @ Shahid. Even during course of investigation none of the witness claimed to be eye witness of the occurrence. Even the co-accused in their confessional statement did not name the petitioners.

On the other hand, learned counsel for the informant as well as the learned APP opposed the prayer for bail and submitted that this is a case of double murder. The informant gave informatory petition just before the occurrence and, thereafter, her son was killed but, from perusal of the order of the learned 2nd Additional Sessions Judge, Jamui, it appears that no tangible evidence has been collected against the petitioners save and except suspicion that too on account of enmity with regard to the land dispute and, the petitioner no. 1 has filed Title Suit No. 8 of 2016.

Considering the facts aforesaid the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Jamui, in Jamui P.S. Case No. 39 of 2017.

(Prabhat Kumar Jha, J.)

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