

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55367 of 2016

Arising Out of PS.Case No. -96 Year- 2012 Thana -HALSI District- LAKHISARAI

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MD. ASHRAF SAH @ MD. ASHRAF @ KARU S/o Md. Allauddin Sah
R/o vill.- Premdiha, Police station -Halsi , Distt- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-03-2017 Heard both sides.

The petitioner seeks bail in Halsi P.S. Case No. 96/2012, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that on 10.09.2012, her husband left the house, saying her that he would stay at the house of Md. Allauddin Shah brother-in-law (Sarhu). On 12.09.2012, the informant got information that dead-body of her husband was found near a river.

Learned counsel for the petitioner submits that there is no eye-witness of the occurrence. Md. Allauddin Shah is brother-in-law (Sarhu) of the deceased. During the course of investigation, some of the witnesses have stated that they heard sound of firing



inside the house of Md. Allauddin Shah and on the next day, they came to know that Md. Nizam Shah (deceased) brother-in-law of Md. Allauddin Shah was killed. It is submitted that similarly situated co-accused Md. Allauddin Shah and Shakila Khatoon wife of Md. Allauddin Shah have already been granted bail vide orders passed in Cr. Misc. 21895/2013 and Cr. Misc. 7315/2013 respectively. The petitioner is the son of Md. Allauddin Shah and the case of the petitioner stands exactly on the same footing.

Learned A.P.P. however, opposed the prayer for bail of the petitioner and submitted that one of the witnesses has stated that the petitioner made firing, but from perusal of the case diary, it appears that there is no eye-witness of the occurrence and the witnesses simply stated that they heard sound of firing inside the house of Md. Allauddin Shah. They are hearsay witness.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge Ist, Lakhisarai in connection with Halsi P.S. Case No. 96/2012 corresponding to Sessions Trial No. 132/2014.

(Prabhat Kumar Jha, J.)

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