

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26716 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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Sheikh Reyaz @ Sheikh Reyazuddin, S/o Late Sheikh Mohammadin,
Resident of Mohalla- Rakhahi, P.S. Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-07-2018

Heard.

The petitioner seeks to regular bail in connection with Sahodra P.S. Case No. 02 of 2018 for the offence punishable under sections 302, 120B and 34 of Indian Penal Code and Section 27 of the Arms Act.

The allegation against the accused persons is that they had entered in the mosque and one of the co-accused namely Shaikh Shabbu had fired on the neck of the father of the informant resulting in his death.

The learned counsel for the petitioner submits that the petitioner has got no connection with the alleged incident and it has not even been alleged that he had shot at the deceased. It is further submitted that apart from one case, as mentioned in para 3 of the petition, in which the petitioner in appeal has been acquitted, no other criminal case is pending against him. The



petitioner is stated to be languishing in custody since 07.03.2018.

Per contra, the learned counsel for the informant submits that the petitioner has made a wrong statement in para 3 of the petition inasmuch as there are seven other cases pending against the petitioner herein apart from what has been stated in the present petition.

Having regard to the facts and circumstances of the case, though I am inclined to grant bail to the petitioner but the same is subject to verification by the learned Trial Court as to whether apart from Shikarpur P.S. Case No. 49 of 2008, any other criminal case is pending against the petitioner or not. If no case is pending against the petitioner, he shall be released on bail by the concerned Court i.e. the Court of learned Sub Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Sahodra P.S. Case No. 02 of 2018 on such terms and condition as the concerned Court may deem fit and proper to be imposed upon the petitioner but in case it is found that apart from the aforesaid Shikarpur P.S. Case No. 49 of 2008, any other criminal case is pending against the petitioner, the Trial Court shall not release the petitioner on regular bail.

The petition is disposed of in the aforesaid terms.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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