

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15163 of 2018

Arising Out of PS. Case No.-62 Year-2017 Thana- DARIYAPUR District- Saran

Shamsher Alam, son of Jamal Ahmad, Resident of village- Dariyapur, P.S.-
Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. S.K.Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 08-05-2018 Heard learned counsels for the petitioner and the State as well as the informant.

The petitioner, already in custody, seeks bail in connection with Sessions Trial No. 561 of 2017 arising out of Dariyapur P.S.Case No. 62 of 2017 registered under Sections 302/34 of the Indian penal Code and 27 of the Arms Act.

Allegation in brief is that all accused persons came to the shop of the informant's son and shot at him and his brother-in-law, and both were killed.

Submission is that petitioner is cousin of the deceased and there is family dispute between both sides and informant is not an eye witness however after 20 days gives another version in her statement recorded under Section 164 Cr.P.C. claiming herself an eye witness and the statement of deceased's girl was also recorded after a month giving statement against the petitioner of shooting at the deceased but no other witnesses have stated so and the petitioner has been falsely implicated in the case on account of family dispute and has no criminal antecedent though one of the co-accused named in the FIR has



been admitted to bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 59561 of 2017.

Whereas learned counsel for the informant opposed the prayer of bail and submitted that deceased's daughter has witnessed the occurrence and two persons were killed in this episode.

Having considered the aforesaid facts and circumstances, in particular, the dispute between both sides and statement of the deceased's girl regarding opening fire being recorded after a month of occurrence, petitioner, namely, Shamsheer Alam, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge IX, Saran at Chapra in connection with Sessions Trial No. 561 of 2017 arising out of Dariyapur P.S. Case No. 62 of 2017 with condition that one of the bailor must be his close family member. Petitioner shall remain physically present on each and every date during trial and in case of failure on two consecutive dates without any reasonable cause, his bail bond shall be liable to be cancelled.

(Arun Kumar, J)

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