

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76882 of 2018

Arising Out of PS. Case No.-521 Year-2018 Thana- KAHALGAON District- Bhagalpur

Shekh Jalal @ Md. Jalal @ Jalal Shekh, Son of Late Shekh Falal @ Shekh Imran @ Md. Vahid, Resident of Village-Sakri Gali Ghat, P.S.-Muffasil Sahebganj, District-Sahebganj (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Upadhyaya, Advocate.

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 10 of the bail application, in course of the day.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 15.08.2018 the father of the informant Sahid Khan was lying dead below the cot at his BASA. He also found gun shot injury in the mouth of his father. He claimed that the petitioner and other accused persons entered into conspiracy and killed his father. It is also



alleged that in the year 2013, the deceased Sahid Khan had purchased 75 decimals land from this petitioner on the basis of *Mahdanama* and *Panchnama* for consideration of Rs. 1,50,000/-. Petitioner further sold away the aforesaid land in favour of co-accused Md. Afroz Khan. After registration of sale deed in favour of Md. Afroz Khan, he and other accused persons threatened the deceased with dire consequences about 15-20 days ago from this incident.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence and merely on the basis of suspicion, the petitioner is being made accused in the present case. Except for suspicion, there is no substantive evidence to suggest the implication of the petitioner in the present case nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhagalpur or successor court, in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 521 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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