

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56893 of 2018

Arising Out of PS. Case No.-1856 Year-2017 Thana- SASARAM NAGAR District- Rohtas

1. Aftab Alam, Son of Rafiq Ahmad,
2. Mehendi Hasan @ Mehendi Alam, Son of Rafiq Ahmad, Both are resident of Mohalla- Kazipura, Police Station- Sasaram (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Sri Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 02-11-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners, who are in custody, seek bail in connection with Sasaram (T) P.S. Case No. 1856 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

Informant has alleged in the FIR that the informant was returning home alongwith his brother and cousin brother from Gola Bazar after purchasing vegetables. When they reached at Kila Mohalla, he saw that one Mahtab Alam has caughthold his elder son Jayram Chaudhary and co-accused Rafique Alam was having gun in his hand and he was instigating other accused to kill Jayram Chaudhary. On his



instigation co-accused Shakil Ahmad opened fire on the chest of deceased as a result of which he fell down and thereafter all accused persons including petitioners opened fire due to which son of the informant sustained injuries on several parts of his body. He was taken to hospital where he was declared dead.

It has been submitted on behalf of the petitioners that petitioners are quite innocent and have been falsely implicated in this case due to previous enmity. During investigation eye witnesses present at the place of occurrence have not named petitioners. In counter case instituted by father of petitioners as contained in Annexure-2 he has not named petitioners to have accompanied him. It has been submitted that there is case and counter case between the parties. Co-accused persons, namely Raj Kumar Choudhary, Mahendra Choudhary and Vikash Choudhary have been granted bail by a co-ordinate Bench of this Court vide order dated 19.07.2018 passed in Cr. Misc. No. 43515 of 2018 and vide order dated 27.07.2018 passed in Cr. Misc. No. 44943 of 2018. Petitioners are in custody since 18.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction of
learned C.J.M., Rohtas at Sasaram, in connection with Sasaram
(T) P.S. Case No. 1856 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the
court concerned.

(2) Petitioners shall co-operate in the trial and
shall be properly represented on each and every
date fixed by the court and shall remain present in
person as directed by trial court and failing to
remain present on two consecutive dates trial court
shall be at liberty to cancel their bail.

(3) If the petitioners tampers with the evidence
or the witnesses of the case, in that case,
prosecution will be at liberty to move for
cancellation of bail of the petitioners.

(S. Kumar, J)

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