

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53810 of 2018

Arising Out of PS.Case No. -1856 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Sakil Ahmad @ Shakil Akhtar Son of Rafique Ahmad R/o Muhalla
Kazipura, P.S. Sasaram Town, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Advocate.

For the Opposite Party/s : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Sessions Trial No.181 of 2018 arising out of Sasaram (T) P.S. Case No. 1856 of 2017 instituted for the offence under Section 302/34 of Indian Penal Code and Section 27 of the Arms Act pending in the court of Additional Sessions Judge-VII, Rohtas at Sasaram.

It is alleged in the written report that on the instigation of co-accused Rafique Alam, this petitioner fired shot from the pistol which hit in the chest of son of the informant. Thereafter, other accused persons fired with pistol, gun etc. indiscriminately, which hit son of the informant in the chest, abdomen etc. and he died in the way to Hospital

Case diary has been received.

Post mortem report is available in the case diary wherein the Doctor has found firearm injuries on the chest of son of the



informant.

The defence of the petitioner is that on the date of occurrence, the informant and his son surrounded the petitioner and his family members. Nanhak Choudhary fired on brother of the petitioner and killed him for ransom. Thereafter, brother of the petitioner caught Nanhak Choudhary but in order to free the said Nanhak Choudhary, the informant along with others started making firing indiscriminately on the petitioner and his brothers but in the ongoing commotion Jairam Choudhary came in between the firing range and was killed by the bullets fired by his own men.

This Court is of the view that this defence can only be looked into during trial.

In the written report there is specific allegation against the petitioner of causing firearm injury in chest of the deceased.

In such circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

Therefore, prayer for bail of the petitioner stands rejected.

The Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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