

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42477 of 2018

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

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1. Sheikh Janishar Son of Late Sheikh Yashin
2. Sheikh Julfikar Ali@ Sahnawaz Mohshin @ Julfakar Son of Sheikh Janishar Both are resident of Village- Parsauni, Police Station- Sahodra, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-07-2018 Heard both sides.

The petitioners apprehend their arrest in Sahodra P.S. Case No.02 of 2018 registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that Sheikh Sabbu, Sheikh Malguzar Alam, Sheikh Janishar, the petitioner no.1, Sheikh Shohail and Sheikh Reyaz having armed with pistol entered into the Masjid, where his father had gone to offer prayer, the accused persons shouted to kill on such Sheikh Shabbo shot his father dead. Thereafter the accused persons fled away with the help of other accused persons.



Learned counsel for the petitioners submits that the petitioner no.1 is said have accompanied Sheikh Shabbo at the time of occurrence but no specific allegation of assault is made against him. The petitioner no.2 is of course named in the F.I.R. but in the entire F.I.R. not even a single word whispered against the petitioner no.2 Sheikh Julfikar Ali @ Sahnawaz Mohshin @ Julfakar.

Having considered the fact and on perusal of the F.I.R. it appears that the name of petitioner no.2 Sheikh Julfikar Ali @ Sahnawaz Mohshin @ Julfakar is of course named in the F.I.R as an accused but no specific allegation is made against him. The petitioner no.2 had not accompanied with the killer of the father of the informant in the Masjid.

Taking into consideration the aforesaid fact, the petitioner no.2 Sheikh Julfikar Ali @ Sahnawaz Mohshin @ Julfakar, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bettiah, West Champaran, in connection with Sahodara P.S. Case No.02/2018, subject to conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no.1 Sheikh Janishar is concerned, the informant alleged that Sheikh Janishar along with four others having armed with pistol went inside the Masjid and finding Sheikh Mustafa inside the Masjid shouted on such Sheikh Shabbo fired at his neck.

Considering the facts aforesaid and the fact that the petitioner no.1 accompanied the deceased with firearm with an intention to kill the deceased and on such Md. Shabbo fired at his neck, I am not inclined to enlarge the petitioner no.1 Sheikh Janishar on anticipatory. Accordingly, the prayer for anticipatory bail of petitioner no.1 Sheikh Janishar stands rejected.

If the petitioner no.1 Sheikh Janishar surrenders in the court below the learned court below shall consider the regular bail petition of the petitioner no.1 on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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