

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47760 of 2019

Arising Out of PS. Case No.-532 Year-2018 Thana- BODHGAYA District- Gaya

GAZNAFAR @ SAHEB @ GAJANFAR KHAN S/o Sajaruddin Khan R/o
village- Cherki Baraini, P.S.- Bodh Gaya (Cherki), District- Gaya

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Senior Advocate. Mr. Ajay Kumar Sinha, Advocate.
For the State	:	Mr. Prem Kumar Jha, A.P.P.
For the Informant	:	Mr. Prithivi Raj Singh, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 11-12-2019 Heard learned senior counsel for the petitioner and

the learned A.P.P. for the State as also the learned counsel for

the informant.

The petitioner seeks bail in connection with
Bodhgaya (Cherki) P.S. Case No.532 of 2018 registered under
Sections 302/34 of the Indian Penal Code besides Section 27 of
the Arms Act, pending in the court of the Chief Judicial
Magistrate, Gaya.

The accusation is that on 09.09.2018 at about 12.30
P.M., when the informant Enam Khan was at his shop, then his
brother Arshad Alam came from the house of his sister and
asked the informant that he is going for measurement of the land



near the house of Sahla Mojib, saying the informant to come there within 10-15 minutes. Thereafter, when the informant after closing his shop went there, then saw that Shahnawaj Khan, Firojuddin alias Dilip and Gaznafar alias Saheb (petitioner) along with two unknown had surrounded his brother Arshad Alam. At that time, Shahnawaj Khan shot fire through his country made pistol at the chest of Arshad Alam, the brother of the informant. Thereafter, Firojuddin alias Dilip and this petitioner also shot fire through their country made pistol at Arshad Alam, the brother of the informant, due to which he fell down on the ground and started wriggling. After that, all fled away from there making firing in air. The cause of occurrence is that Arshad Alam, the brother of the informant, had purchased the land and regarding the said land, Firojuddin alias Dilip and this petitioner had got executed the sale deed

Learned senior counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that while there is specific allegation against Shahnawaj Khan to shot fire through country made pistol at Arshad Alam, the brother of the informant, causing injury on his chest but there is general and omnibus allegation against the petitioner and Firojuddin alias Dilip to shot fire through their country made pistol at Arshad



Alam, the brother of the informant. In the post-mortem report of Arshad Alam, the brother of the informant, four firearm injuries were found on his person, which is itself indicative of the fact that the informant is not an eye witness to the occurrence. Further submission is that, admittedly, there was land dispute between the parties, due to that reason, the petitioner has falsely been implicated in this case. The petitioner is in custody since 28.03.2019.

In the post-mortem report of the deceased Arshad Alam, the brother of the informant, four firearm entry wounds over his dead body were found.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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