

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76222 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- KOPA District- Saran

NAUSHAD ALI @ NAUSHAD SHAH Son of Rustam Shah Resident of
Village- Anwal, P.S.- Kopa, District - Saran , Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-12-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Kopa PS case no. 84 of 2019 instituted for the offence
punishable under Sections 147, 148, 149, 323, 324, 307, 302,
504 of Indian Penal Code.

The allegation against the petitioner and other co-accused
persons is of having committed gruesome and brutal murder of
Randhir Kr. Sharma. The case of the prosecution, according to
the *fardbeyan* of the informant is that on 10.06.2019 at about
7.15 pm in the evening while he was sitting with his son
Sandesh Kumar Sharma at his *bathan*, the accused persons
including the petitioner herein, after having completed their
prayers in the Mosque, had gone behind the Mosque and after



conspiring together, the petitioner herein along with co-accused persons namely Badshah and Rabbul Mian had come and started abusing the informant and his son and when they had told them not to do so, rest of the accused persons had come there from behind the Mosque and all the accused persons started assaulting the informant and his son, whereupon the other family members of the informant had also come there to save them but the accused persons had also assaulted the family members of the informant, however the villagers had arrived there and intervened, whereafter arrangements were made to send the injured persons for treatment. It is further alleged that after 15 minutes, his son namely Randhir Kr. Sharma had come there and the petitioner and some other co-accused persons were already present in his room and after they saw the son of the informant, the petitioner and the other two co-accused persons namely Guddu and Azad had caught hold of the son of the informant and exhorted to kill him, whereafter the petitioner and the co-accused person namely Shamsheer had taken out dagger and given dagger blow on the stomach and back of the son of the informant, resulting in him falling down, whereafter while he was being taken to the hospital for treatment, he is stated to have died.



The learned counsel for the petitioner has submitted that a general and omnibus allegation has been levelled against the accused persons including the petitioner herein and the petitioner is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case and is languishing in custody since 11.06.2019.

I have heard the learned counsel for the petitioner and the learned A.P.P. for the State as also perused the case diary, which was called for earlier, by this Court. This Court finds from the case diary that there is direct allegation against the petitioner of having given dagger blow on the son of the informant namely Randhir Kr. Sharma resulting in his gruesome death. I further find from the case diary that there are enough materials to suggest the complicity of the petitioner in the alleged crime and apart from having killed the son of the informant, the petitioner is also stated to have assaulted the informant and others. In paragraph no. 61 of the case diary, the post-mortem report has been reproduced which also corroborates the allegations levelled against the petitioner herein.

Considering the heinous crime alleged to have



been committed by the petitioner resulting in death of the son of the informant as also taking into account the gravity/ grievousness of the offence alleged to have been committed by the petitioner, I am not inclined to grant the privilege of bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

