

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4181 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- SUPPI District- Sitamarhi

Mohd. Naushad Khan @ Naushad Khan @ Tajuddin Haider Khan S/o Anwar
Alam Khan Resident of Village- Akhta, P.S.- Suppi, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8423 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- SUPPI District- Sitamarhi

1. SAHIL KHAN S/o Raunak Khan Resident of Village- Motra Ghat, P.S.- Sakri, Distt- Darbhanga.
2. Jallaluddin Khan @ Jalaluddin Khan S/o Sharfuddin Khan Resident of Village- Akhta, P.S.- Suppi, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10046 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- SUPPI District- Sitamarhi

1. SONU KHAN S/o Munna Khan Resident of Village- Akhta, P.S.- Suppi, District- Sitamarhi.
2. Sharif Khan S/o Mumtaz Khan Resident of Village- Akhta, P.S.- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17632 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- SUPPI District- Sitamarhi

MUNNA KHAN Son of Naseeb Khan Resident of Gram-Akhta, P.S.-Suppi,
District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4181 of 2020)

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.



For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP
(In CRIMINAL MISCELLANEOUS No. 8423 of 2020)
For the Petitioner/s : Mr.Sanchay Srivastava, Adv
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 10046 of 2020)
For the Petitioner/s : Mr.Ravi Prakash, Adv
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 17632 of 2020)
For the Petitioner/s : Mr.Sanchay Srivastava, Adv
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 05-06-2020 Heard learned counsel for the petitioners, learned
counsel representing informant as well as learned APP through
video conferencing in all the aforesaid four petitions.

Parties are on inimical terms since before. In the
aforesaid background, while prosecution party was going to
attend date of the case comprising informant, Asgar Khan,
Shahid Khan over one motorcycle, Md. Azaz Khan and Md.
Salman Khan along with others, one Scorpio over took them
and dashed against Md. Azaz Khan and Md. Salman Khan, as a
result of which, they both fell down. No sooner than Md.
Gayasuddin Khan and Md. Shahabuddin Khan came over a
motorcycle, seeing whom, the other occupants of Scorpio,
namely, Alauddin Khan, Sarfudding Khan, Lal Akhtar Khan,
brother-in-law of Alauddin Khan and other unknown persons
surrounded them and then Geyasuddin Khan and Shahabuddin
Khan shot at Md. Azaz Khan while Alauddin Khan and
Sharfudding shot at Md. Salman Khan, as a result of which they



both succumbed to their injuries at the spot itself.

Thereafter, all the persons returned back to the village and, raided the house of Shahjahan Nisa whom Alauddin and Sharfuddin murdered by way of shooting. It has also been disclosed that apart from others, Munna Khan and Sonu Khan had also participated during course of occurrence whereunder Shahjahan Nisa was murdered.

It has also been disclosed that Md. Naushad is a kingpin at whose instance, the occurrence has been committed.

Postmortem report, is along with the case diary, substantiates the prosecution version, ante-mortem fire arm injury to be the cause of death. However, all the witnesses whosoever been examined have not named the petitioners to be the assailants. In likewise manner, Md. Naushad, though, has been identified as a conspirator. From para-42, 43, activity of Md. Naushad has been depicted much prior to the occurrence, though, inculpatory extra-judicial confessional statement of all the accused has been recorded but, having no recognition in the eye of law.

Learned counsel for the informant has submitted that trial is going on but, failed to substantiate whether the materials whatsoever collected during course of investigation, has been



brushed aside by way of identifying any of the petitioners to be the assailants of the deceased.

Consequent thereupon, petitioners, namely, 1. Mohd. Naushad Khan @ Naushad Khan @ Tajuddin Haider Khan (Cr. Misc. No. 4181/2020), 2. Sahil Khan, 3. Jallaluddin Khan @ Jalaluddin Khan (Cr. Misc. No. 8423/2020), 4. Sonu Khan, 5. Sharif Khan (Cr. Misc. No. 10046/2020), 6. Munna Khan (Cr. Misc. No. 17632/2020) respectively, are hereby, directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Suppi PS Case No. 174/2019.

(Aditya Kumar Trivedi, J)

perwez

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

