

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14287 of 2020

Arising Out of PS Case No.-362 Year-2018 Thana- GOVINDGANJ District- East Champaran

Sheikh Wajid Hussain (Male), aged about 36 years, Son of Sheikh Shakil,
Resident of Village - Chintampur, P.S.- Malahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the State	:	Mr. Md. Arif, APP
For the Informant	:	Mr. Prafull Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ansul, learned counsel for the petitioner; Mr. Md. Arif, learned APP for the State and Mr. Prafull Chandra Jha, learned counsel, whom the Court has permitted to assist, appearing on behalf of Smt. Ajmeri Khatoon, the mother of the victim boy Md. Nehal, who is alleged to have been shot dead by the petitioner.

3. The petitioner is in custody in connection with Malahi (Govindganj) PS Case No. 362 of 2018 dated 07.12.2018 instituted under Sections 25(1-B) (a), 26 and 35 of the Arms Act.

4. Learned counsel for the petitioner submitted that though the allegation is of recovery of pistol and 16 live cartridges



from the possession of the petitioner and a sword besides other articles and also a Bolero vehicle and Pulsar motorcycle without papers, but the petitioner has not been caught using the same, especially such firearms. It was submitted that the petitioner has two other criminal antecedent and is in custody since 13.02.2019. Learned counsel submitted that the house from which the recovery has been made is not his personal house and he lives there along with his father and other family members. It was submitted that the father of the petitioner, who is also an accused in the case has been granted bail.

5. Mr. Md. Arif, learned APP submitted that from the waist of the petitioner, firearms along with loaded cartridges have been recovered.

6. Mr. Prafull Chandra Jha, learned counsel submitted that he is representing the mother of the person who was shot dead by the firing made by the petitioner due to which the police had gone to conduct a raid to arrest him where such recovery has been made. It was submitted that the petitioner had got into a fight with the deceased in the *Masjid* and thereafter, had shot him after getting the gun, which was recovered from his possession and that the brother of the petitioner had also inflicted sword blow on the brother of the deceased due to which he was admitted for



treatment for one and a half months in hospital. Learned counsel submitted that the gun which has been recovered from the possession of the petitioner was used in the murder. Learned counsel further submitted that the father of the petitioner is not alleged to have committed any overt act and also because of his age, he has been enlarged on bail. It was further submitted that six prosecution witnesses have already been examined in the trial.

7. Learned counsel for the petitioner, by way of reply, submitted that Mr. Prafull Chandra Jha, learned counsel is arguing the merits of another case which has been registered for the murder of the person concerned. However, he could not controvert the fact that the merits of the two cases are interlinked and of relevance in the present case also for considering the matter in totality.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

AFR/NAFR	
U	
T	

