

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13005 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- ARA NAGAR District- Bhojpur

SAMSHER MIYA @ SHAMSHER Son of Late Kashim Resident of Abarpul,
P.S.- Ara Town (Ara Nagar), District- Bhojpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the State : Mr. Chandra Sen Prasad Singh, A.P.P.

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

ORAL ORDER

6 23-11-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Ara
Nagar P.S. Case No.109 of 2019/G.R. No.760 of 2019 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, Bhojpur, Ara.

The accusation is that Shabnam Tara, the sister of
the informant Akil Ahmad, had come to meet the informant at
his house along with her two daughters and two sons on
25.02.2019. On that date at about 09.15 P.M., the informant
along with his brother Soyeb and sister Shabnam Tara along
with the children of his sister Shabnam Tara were taking dinner.



At that time, Khursheed, Guddu Chor, Alim, Naiyer, Chhotu alias Gundaraj, Sarla, Sibbu, Eqbal and Shamsheer (petitioner) entered into the house of the informant and Khursheed ordered to shoot fire. Thereafter, Khursheed fired through his pistol at the head of Shabnam Tara, the sister of the informant. Thereafter, Naiyer and this petitioner made firing at the informant causing injury on his right chest and forehead. Thereafter, the informant along with others moved from there raising 'Hullah'. The cause of occurrence is that on 6th of December of the preceding year, Imran Khan, the brother of the informant, was murdered by the aforesaid persons and all were giving pressure to the informant to withdraw the said case and the sister of the informant was also given threatening by them on 14.02.2019 to withdraw the said case. Shabnam Tara, the sister of the informant, died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case due to previous enmity and he is in custody since 05.07.2019. Further submission is that the co-accused Alim vide order dated 25.06.2019 passed in Criminal Misc. No.37552 of 2019 and the co-accused Chhotu alias Gundaraj alias Ubaidulla Khan and Sibbu alias Md. Mizibullah alias Mozibullah vide order dated 16.06.2020 passed in Criminal



Misc. No.11045 of 2020 have already granted the privilege of bail by different Benches of this Court.

On the other hand, learned A.P.P. appearing for the State opposed the prayer of the petitioner for grant of bail with the submission that the petitioner is the assailant of the informant and he caused injury on the chest and forehead of the informant.

The supplementary affidavit filed on behalf of the petitioner clearly indicates that Ara Nagar P.S. Case No.739 of 2018, corresponding to Sessions Trial No.209 of 2019, was also instituted by the informant of the present case regarding the murder of his brother and the copy of the F.I.R. of the said case also indicates that this petitioner had caused injury to the informant of the present case.

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)

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