

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3560 of 2020

Arising Out of PS. Case No.-184 Year-2018 Thana- RAMPUR District- Gaya

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Md. Shahnawaz Hussain @ Shanwaz Hussain @ Shannu @ Shahnawaz @ Shannu, aged about 45 years (Male), Son of Late Md. Kalim @ Kalim Miyan @ Late Kalimuddin Resident of Mohalla-White House Compound, Road No.4, P.S-Rampur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.
Mr. Shivendra Prasad
For the Opposite Party/s : Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 15-01-2021 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Rampur P.S. Case No. 184 of 2018 registered for offences under sections 147, 148, 149, 452, 341, 323, 307, 302, 506 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that on 21.05.2018 at 6.30 PM, all the accused persons variously armed with lathi, pistol etc. entered into the house of the Informant and assaulted the son of the Informant and others. Later on, in course of treatment, the son of the Informant, namely, Md. Nabil Ahmad



died.

It has been alleged that the petitioner is the order giver and, on his order, the accused persons assaulted the deceased. It has also been alleged that the petitioner has also assaulted the deceased with butt of pistol on the head and neck of the deceased.

Learned counsel for the petitioner submits that the first blow over the head of the deceased was given by co-accused Shahrukh causing severe injury and, thereafter, the co-accused Sohail inflicted by iron rod on the head of the deceased and, thereafter, it has been alleged that the present petitioner has assaulted with the butt of the pistol on the head and neck of the deceased but, no injury has been found on the neck of the deceased. It has also been submitted that the second son of the Informant, namely, Arbab was also assaulted by pointed iron rod but, he survived. Learned counsel for the petitioner further submits that the co-accused Md. Suhail @ Suhbaril Ansari @ Suhail Ansari has already been granted bail by this Court vide order dated 1.9.2020 passed in Cr. Misc. No. 79358 of 2019 in which the Informant had also appeared to argue the matter. This time, even after repeated dates, the Informant has chosen to remain absent and the petitioner is



languishing in jail custody since 25.7.2019 i.e. for more than one and half years.

Looking to the entire facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Rampur P.S. Case No. 184 of 2018, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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