

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22330 of 2021**

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

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Sheikh Wajid Hussain @ S.K. Wazid Hussain, aged about 37 years, Male,
Son of Sheikh Shakil, Resident of Village - Chintamanpur, P.S.- Malahi,
District - East Champan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tandon, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Prafull Chandra Jha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 04-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dilip Kumar Tandon, learned counsel
for the petitioner; Mr. Lakshmi Kant Sharma, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State and Mr. Prafull Chandra Jha, learned
counsel for the informant.

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)/26/35 of the
Arms Act, 1959.

4. This is the second attempt for bail by the



petitioner as earlier such prayer was rejected by order dated 08.06.2020 passed in Cr. Misc. No. 14287 of 2020.

5. Learned counsel for the petitioner submitted that in the present case the allegation is that from the possession of the petitioner, one loaded country-made pistol and four live cartridges have been recovered and further recovery is from his bed. It was submitted that the petitioner was not caught while using the fire-arms. Learned counsel submitted that another case i.e., Malahi (Govindganj) PS Case No. 361 of 2018 had been filed on the same day in which the son of the informant of the said case is alleged to have shot dead by the petitioner, in which the petitioner is facing trial. However, learned counsel submitted that this is a case only under the Arms Act for recovery of the said fire-arms. It was submitted that four other family members of the petitioner have been made accused in the present case and all others have been released on bail except for the petitioner. It was submitted that the petitioner is in custody since 13.02.2019.

6. Learned APP submitted that the Court has already considered the matter on merits while rejecting the prayer for bail on 08.06.2020 and there is nothing new to consider afresh such prayer.



7. Learned counsel for the informant submitted that the petitioner is a veteran criminal having two other criminal cases against him under grave sections of the Indian Penal Code and the Arms Act, including 307,302 and 395 of the Indian Penal Code. It was submitted that the present case cannot be seen in isolation for the reason that in Malahi (Govindganj) PS Case No. 361 of 2018, the petitioner was the person who had shot and killed the son of the informant of the said case and within one hour, the police upon raid had caught the petitioner along with the pistol and live cartridges and the said pistol has been found to have been used for firing in the other case which has resulted in the death of the victim. It was submitted that the other four family members of the petitioner have been granted bail in the present case since there was no recovery from their personal possession whereas in the present case, the recovery is from the personal possession of the petitioner and the other firearms have been recovered from the bed in his room. It was further submitted that in the other case, trial is in an advanced stage.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to re-consider the prayer for bail to the



petitioner as no mitigating circumstances have been shown to warrant the same.

9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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