

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35646 of 2021

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

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ALLAUDDIN KHAN SON OF LATE AKHTAR KHAN R/O VILLAGE-
AKHTA, P.S.- SUPPI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 27253 of 2021

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

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SHARFUDDIN KHAN S/O LATE AKHTAR KHAN R/O VILLAGE
AKHTA, P.S SUPPI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35646 of 2021)

For the Petitioner/s : Mr. Aditya Shanker
Mr. Saurav Suman

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 27253 of 2021)

For the Petitioner/s : Mr. Sanchay Srivastava
Mr. Aalekh Anand

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-10-2021 Since both the bail petitions arise out of the same P.S.

case, they have been heard together and are being disposed of

by this common order.

Heard learned counsel for the petitioners and the

State.

Petitioners seek regular bail in a case registered for



the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code and u/s 27 of Arms Act. .

As per the prosecution case, petitioners are alleged to have fired upon Salman Khan as a result of which he sustained injuries and died.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. There is case and counter case and both sides are on inimical terms from before and there is no eye witness of the occurrence. It is further submitted that during trial 14 witnesses, including the informant, namely, Asgar Khan, have been examined but none of them supported the prosecution case and all of them have been declared hostile. In support of the same he has annexed the deposition of witnesses. There is no allegation of tampering with evidence against these petitioners. Petitioners are in custody since 27.08.2019 and no useful purpose would be served by keeping them in custody.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case, the period of custody of the petitioners and also considering the deposition of witnesses, including that of informant, let the petitioners, 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 Additional Sessions Judge-IX, Sitamarhi in connection with Suppi PS case No. 174/ 2019 (Sessions Trial No. 49/2020).

(Prabhat Kumar Singh, J)

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