

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27738 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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SHAHID ALI @ SAHEED SEKH @ SAHEED SHEKH Son of Mr. Jakir
Hussain Resident of Village - Bashilpur, P.S.- G.B. Nagar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Shivam, Adv.
For the Informant	:	Mr. Ajay Kumar Tiwary, Adv.
For the State	:	Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-11-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that her son went with the petitioner and soon thereafter there was a sound of firing. On reaching on the place of occurrence, the informant states that she was informed by the petitioner that two unknown persons had committed the murder of the informant's son.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against two unknown. The petitioner was falsely implicated in course of investigation. It is



submitted that the materials being relied on are only to falsely implicate the petitioner because of pending partition dispute between the parties and his confession before the police which is inadmissible. It is further submitted that inspite of the informant reaching immediately after the occurrence, there is no allegation of any firearm having been recovered from the possession of this petitioner. The petitioner is in custody since 2.1.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from perusal of the F.I.R. itself, it would transpire that the son of the informant was in company of this petitioner at the time of occurrence. Not only the petitioner is named in the F.I.R. but there is direct allegation against him.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation together with the petitioner having remained in custody for about 11 months, the Court directs the petitioner to be enlarged on bail in connection with G.B. Nagar P.S. Case no.322 of 2020 on furnishing bail



bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned Judicial
Magistrate, Siwan.

(Partha Sarthy, J)

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