

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10886 of 2022**

Arising Out of PS. Case No.-394 Year-2021 Thana- SAUR BAZAR District- Saharsa

SHAMSHER ALAM SON OF JIAUDDIN ALAM @ MOHAMMAD
ZIYAUDDIN RESIDENT OF VILLAGE- BAIJNATHPUR, WARD NO. 02,
P.S.- SAUR BAZAR (BAIJNATHPUR POLICE CAMP), DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 447, 324, 307, 120(B)/34 later on
Section 302 of the Indian Penal Code.

The son of the informant is shot dead by the
petitioner and fled away.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that there was previous land dispute
between the parties and on account of that the petitioner
has falsely been implicated in this case. He further submits



that altogether 10 persons have been named in the F.I.R. for alleged occurrence but the informant has not disclosed the motive as to why the F.I.R. named persons including the petitioner intend to kill the son of the informant. This case appears to be a false implication of the petitioner and other accused in this case. He further submits that the co-accused, Md. Aslam, has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 8912 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that although there are 10 accused persons named in the F.I.R. but the petitioner is said to be the main assailant in this case. The informant, who is father of the deceased, claims to be the eye witness of the alleged occurrence and according to him, while the informant along with her wife and the deceased were sitting on the door, all of sudden petitioner along with other came there and shot fired upon his son which hit the head of the deceased resultantly he fell down and died during course of



treatment. He further submits that the Postmortem report corroborates with cause of death causing from injury inflicted to vital brain organ by a firearm. He further submits that there is direct and specific allegation of firing against the petitioner causing death of the son of the informant. Therefore, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the specific nature of accusation against the petitioner, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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