

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37214 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SARAI District- Vaishali

Rijwan Khan S/o Late Moti Khan R/o village- Mahmdabad, P.S.- Sarai,
District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sarai P.S. Case No. 178 of 2020, registered for the offence under Sections 302, 120B, 34 of the Indian Penal Code.

As per the F.I.R., the prosecution case in brief is that on 04.08.2020 at about 7.45 PM, while the informant alongwith his brother Nasir Alam Khan and one Jawed Khan was returning home and reached near Alijan Chowk, petitioner and F.I.R. named accused persons attacked them with sharp cutting weapons, as a result of which, Jawed Khan died on the spot and informant's brother died on way to hospital.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case on the basis of old



enmity due to land dispute. There is case and counter case. In fact, on the alleged date, informant and deceased were fighting with each other in front of the house of petitioner and when the petitioner tried to pacify them, they assaulted the petitioner and set the house and medical shop on fire, for which, an F.I.R. was also lodged by the petitioner, vide Sarai P.S. Case No. 179 of 2020 (Annexure P/2). Petitioner is in custody since 05.08.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against the petitioner and other co-accused persons of causing death of Jawed Khan and informant's brother Nasir Alam Khan by sharp cutting weapons.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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