

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18717 of 2021

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

Md. Giasuddin @ Md Giasuddin Khan @ Giasuddin Khan @ Giasuddin Khan, Son of Reyajudin Khan, Resident of Village- Akhta Got, P.S.- Suppi, District- Sitamarhi. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26984 of 2021

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

Md. Sahabuddin Khan @ Sahabuddin, Son of Reyajuddin Khan, Resident of Village- Akhta, P.S.- Suppi, Distt.- Sitamarhi. Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18717 of 2021)

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
Mr. Sanchay Srivastava, Advocate
Mr. Ravi Prakash, Advocate
Mr. Arpit Anand, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 26984 of 2021)

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate
Mr. Sourav Suman, Advocate
Mr. Aalekh Anand, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 12-07-2022 Both the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ashhar Mustafa, learned counsel for the



petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Suppi P.S. Case No. 174 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 26.08.2019 while the informant along with the deceased persons and other persons were on the way to the court for their appearance, in the meantime, all the accused persons surrounded and thereupon it is alleged that both the petitioners (Md. Giasuddin and Md. Sahabuddin Khan) made firing upon Ajaz Khan, due to which he sustained bullet injury and died. It is further alleged that co-accused Allauddin Khan and Sharfuddin Khan shot the deceased Salman Khan and also entered the house of Shahjahan Nisha and shot her.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners are innocent and they have been falsely implicated in this case. It is also submitted that there is case and counter case and both sides are on inimical terms and there is no eye witness to the alleged occurrence. It is further submitted that during the course of investigation all the 16 witnesses including the Doctor and



Investigating Officer have been examined, but none of the witness including the informant has supported the prosecution case and all of them have declared hostile, except the official one. In support of the aforesaid submissions, learned counsel for the petitioners brought on record the depositions of the witnesses. It is next submitted that the petitioners are in custody since 27.08.2019 and as such after deposition of the material witnesses, who have not supported the prosecution case, keeping the petitioners behind the bar would serve no further purpose.

On the other hand learned APP for the State fairly submits that from the deposition of the witnesses, it appears that none of the witness has supported the prosecution case and as such nothing remain else.

Having considered the submissions made on behalf of the parties and taking into consideration the deposition of the witnesses including the deposition of the informant, who have not supported the prosecution case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Sitamarhi in connection with Suppi P.S. Case No. 174 of 2019, subject to the condition that



one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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