

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42330 of 2021

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

Md. Samim @ Samim Ahmad Son of Abdul Gaffar Khan @ Abdul Jaffar
Khan Resident of Village - Mahua Mukundpur, Pahadh Tola, P.S.- Mahua,
District – Vaishali Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shri Nandan Prasad Singh, Advocate

For the Opposite Party : Mr.Md. Fahimuddin, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner, the State and the informant.

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.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case as he happens to be brother-in-law of main assailant Rijwan Khan. Petitioner was not present on the spot. Petitioner has claimed clean antecedent and he is in custody since 6.8.2020.

However, learned A.P.P. for the State and the informant



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 rival submissions of the parties and the fact that there is direct and specific allegation of assault on the victim by sharp cutting weapon causing death, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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