

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35104 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- SABAUR District- Bhagalpur

1. Md. Mister @ Shahnawaj @ Md. Shahnawaj Son Of Md. Tamil Resident Of Village- Bari Ibrahimpur, P.S.- Sabaur, District- Bhagalpur
2. Md. Shalu Son Of Md. Tamil Resident Of Village- Bari Ibrahimpur, P.S.- Sabaur, District- Bhagalpur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Sabaur P.S. Case No.84 of 2021 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

As per the allegation, the accused persons surrounded the victim and then opened fire at the informant's husband (victim) while he stood near at his house's doorpost and



thereafter the accused persons fled away from the alleged place.

The informant's husband died on the spot.

The main submissions advanced by the learned counsel Mr. Vinay Ranjan for the petitioners are that against the petitioners there is no specific allegation of opening fire-arm at the informant and ten accused persons including the petitioners are alleged to have surrounded the husband of the informant and caused fire-arm injury to him but on the body of the deceased only one wound injury was found and during the course of investigation the informant filed a written application before the SHO-cum-Investigating Officer of the P.S. concerned stating therein that due to nervousness she could not mention the names of two co-accused persons namely Md. Imroj and Niranjana Mandal and according to her the deceased disclosed the names of the said co-accused persons being involved in the alleged offence and as per informant there was a dispute in between the deceased and the said Niranjana Mandal on account of dues of consideration amount in respect of land sold by the deceased to said Niranjana Mandal and according to the informant the said Niranjana Mandal might have hatched up a conspiracy to murder her husband which shows that the main allegation is against Niranjana Mandal and petitioner had no reason to be involved in



the alleged crime as there was no dispute between the petitioner and the deceased at the time of occurrence. Further submission is that both the petitioners have clean antecedent and similarly situated co-accused person namely Md. Sarfaraj @ Md. Laddu has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.62317 of 2021.

Learned APP Mr. Dashrath Mehta appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the facts that in the FIR there is no specific allegation against the petitioners and one co-accused namely Md. Sarfaraj @ Md. Laddu carrying similar nature of allegation is on bail granted by Co-ordinate Bench of this Court vide order passed in above-mentioned criminal miscellaneous case and as per the above submissions, the informant filed a written application during the course of investigation before the police officer concerned and levelled main allegation against one person namely Niranjana Mandals as being main conspirator and according to that revelation the main dispute was between the deceased and the said Niranjana Mandal at the time of the commission of the alleged occurrence, in the light of above discussed facts a lenient approach can be taken in respect of the



petitioners’ prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sabaur P.S. Case No.84 of 2021.

(Shailendra Singh, J.)

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