

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44427 of 2022

Arising Out of PS. Case No.-831 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Appu Kahar @ Vikash Son of Late Bulaki Ram Chandravanshi R/O Mohalla-
Mubarakganj, P.S.- Sasaram Town, District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45602 of 2022

Arising Out of PS. Case No.-831 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Shamim Alam @ Sheikh Shamim Ahmad Son of Laique Ahmad R/O Village-
Shahjalal Peer, P.S.- Sasaram (t), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44427 of 2022)

For the Petitioner/s : Mr. N.K. Agarwal, Senior Advocate
Mr. Raghunandan Kumar Singh, Advocate
Mr. Kumar Rajdeep, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 45602 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-12-2022

Cr. Misc. No. 45602 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sasaram



Nagar P.S. Case No. 831 of 2019 registered for the offence under Sections 147, 148, 149, 342, 302 and 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 14.04.2022.

The allegation against the petitioner is to commit murder of father of the informant, alongwith other co-accused persons by causing fire arm injuries due to previous enmities.

Learned senior counsel appearing on behalf of the petitioner submitted that the allegation of firing is, specifically, available against co-accused, namely, Pappu Kahar and Aftab Alam and not against this petitioner, who appears only a part of mob, as per face of F.I.R. It is also submitted that similarly situated co-accused persons, namely, Rizwan Alam has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 44772 of 2022 vide order dated 05.12.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr.



Abhinay Raj, appearing on behalf of the informant, while opposing the prayer of bail, submitted that petitioner actively participated in alleged occurrence.

Considering the facts and circumstances as mentioned above, as allegation of specific firing is available against co-accused persons, causing death of father of the informant, where petitioner appears only to be a part of mob coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sasaram Nagar P.S. Case No. 831 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 44427 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sasaram Nagar P.S. Case No. 831 of 2019 registered for the offence under Sections 147, 148, 149, 342, 302 and 120(B) of the Indian



Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 24.01.2022.

The allegation against the petitioner is to commit murder of father of the informant, alongwith other co-accused persons by causing fire arm injuries due to previous enmities.

Learned senior counsel appearing on behalf of the petitioner submitted that the allegation of firing is, specifically, available against co-accused, namely, Pappu Kahar and Aftab Alam and not against this petitioner, who appears only a part of mob, as per face of F.I.R. It is also submitted that similarly situated co-accused persons, namely, Rizwan Alam has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 44772 of 2022 vide order dated 05.12.2022. It is submitted that petitioner involved in 3 more criminal cases, where he is on bail, having no otherwise bearing over the merit of present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Abhinay Raj, appearing on behalf of the informant, while



opposing the prayer of bail, submitted that petitioner actively participated in alleged occurrence.

Considering the facts and circumstances as mentioned above, as allegation of specific firing is available against co-accused persons, causing death of father of the informant, where petitioner appears only to be a part of mob coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sasaram Nagar P.S. Case No. 831 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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