

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20201 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Munsif Khan Son Of Mofij Imam
2. Ilias Khan Son Sof Late Sekhawat Khan
Both R/O Village- Ariyari, P.S.- Ariyari, District- Sheikhpura
3. Nausad Khan Son Of Noor Khan R/O Village- Islam Nagar, Nawada, P.S.
and District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20432 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- ARIYARI District- Sheikhpura

1. MD. MUNNWAR KHAN
2. MD. ISHRAEIL KHAN
Both S/o Amjad Khan, R/o Village Ariyari, P.S. Ariyari, Dist. - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20201 of 2022)

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate.
	:	Mr. Dinkar Kumar, Advocate.
For the Opposite Party/s:	:	Mr.Ram Sevak Choudhary, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate
	:	Mr. Ritesh Kumar Narain Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 20432 of 2022)

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate.
	:	Mr. Dinkar Kumar, Advocate.
For the Opposite Party/s:	:	Mr.Ram Sevak Choudhary, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate
	:	Mr. Ritesh Kumar Narain Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2023 Let the defects, as pointed out by the office, be



removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State in both the applications.

The petitioners seek bail in a case registered for the offence under Sections 147,148,149,307,302 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that on 06.01.2022 allegation against the petitioners is of firing upon the deceased Md. Nishar Khan resulting in spot death of deceased Md. Nishar Khan.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is admitted land dispute between the parties and there is case and counter case.

Vide order dated 10.01.2023 passed in Cr. Misc. No.20201 of 2022, a report was called for with regard to the stage of the trial. Report dated 12.01.2023 reveals that out of six chargesheet witnesses, four have been examined.

Learned counsel for the petitioners further submits



that the prosecution has filed a petition for examination of three more witnesses that has been allowed by order dated 25.01.2022 by the learned District and Sessions Judge, Sheikhpura.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that now six witnesses have been examined. Further submits that the petitioner Munsif Khan carries four more cases, petitioner Ilias Khan carries six more cases, petitioner Nausad Khan carries one more case, petitioner Md. Munnwar Khan carries four more cases and petitioner Md. Ishraeil Khan carries four more cases other than the present one.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Ariyari P.S.Case N.09 of 2022 pending in the court of learned C.J.M., Sheikhpura.

However, the learned Trial Court is directed to expedite the trial and conclude the same as early as possible.

(Rajesh Kumar Verma, J)

Nitesh/-

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