

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57486 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- SHIVSAGAR District- Rohtas

IZHAR KHAN Son of Late Gafoor Khan R/V- Kaithi, P.S- Sheosagar, Dist-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 05-04-2023 Heard learned senior counsel for the petitioner and
the learned APP for the State.

Petitioner seeks regular bail in connection with
Shivsagar P.S. Case No. 349 of 2021 dated 13.11.2021
registered for the offences punishable under Sections 147, 148,
149, 302, 323, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution, the informant's husband (now
deceased) was shot dead by this petitioner and other accused
persons. Further this petitioner is alleged to have shot the
deceased at his head over a dispute regarding local elections.

The main submissions advanced by learned senior
counsel for the petitioner are that the deceased was a veteran
criminal and against him there were more than 30 cases when



the alleged occurrence took place and he might have been killed by his other opponent and out of the said cases he was accused in 12 cases of very serious nature and he was released from jail just three months before the date of the commission of the alleged occurrence and the petitioner has been dragged in this case on account of political rivalry and he has been languishing in jail since 06.12.2021. Further submission is that as per FIR no sharp weapon was used by any of the accused persons named in the FIR but as per the postmortem report on the body of the deceased one sharp cut injury in the nature of penetrative wound was found and the same is sufficient to falsify the prosecution's story mentioned in the FIR.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR, Case Diary and Postmortem Report of the deceased. The petitioner is named in the FIR and against him there is specific allegation of firing at the head of the deceased and the same gets corroboration from the postmortem report of the deceased and the informant who happens to be the wife of the deceased claimed to be the eye witness of the alleged occurrence. Considering all these facts, in the opinion of this Court the petitioner does not deserve to the



privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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