

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80610 of 2023

Arising Out of PS. Case No.-707 Year-2023 Thana- SASARAM NAGAR District- Rohtas

MD. AFTAB GADDI Son of Chunnu Gaddi R/o Mohalla - Rameshwarganj
(Alamganj), P.s. - Sasaram (Town), Distt. - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 302, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, on 06.08.2023 one Chand Khan disclosed to informant (sister of the deceased) that near Chandan Saheed Peer, when Afroz @ Chhiku demanded his two lacs rupees from Nausad Rayeen @ Lalu, which had given to purchase land, meanwhile some hot talk took place, but thereafter they returned to their house. It is further alleged that on the same day Afroz @ Chikku , Chand Khan, Sonu Rahman and Danish Khan were going towards Alamganj and in the way



met with all 9 named accused persons including the petitioner, then Nausad Rayeen @ Lalu asked her brother Afroz @ Chiku as to what he was saying near Chandan Saheed Peer, her brother replied that he was demanding his money, then accused Md. Veerhat abused and caught him and accused Nausad Rayeen @ Lalu fire pistol in his stomach due to which he fell down and died on the spot. Accused Sonu Rayeen fire pistol on leg of Sonu Rahman and accused Veerat fired upon Chand Khan and thereafter rest accused persons fired in the air and fled away.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. He is only the member of mob. The informant is not the eye witness of the alleged occurrence. There is no allegation against the petitioner to shot fire on any person and he has no concern with any money transaction with informant or her family members. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 09.08.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Nagar P.S. Case No.707 of 2023 on following conditions:-

(1) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or threaten the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

