

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4179 of 2024

Arising Out of PS. Case No.-176 Year-2017 Thana- PANCHRUKHI District- Siwan

Afatab Alam @ Afatab Mian (Male), aged about 35 years, Son of Ameer Hamja, Resident of Village- Chaanp, P.S.- Sarai OP, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y. C. Verma, Sr. Advocate and Mrs. Kumari Anupam, Advocate
For the Opposite Party	:	Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 16-05-2024 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 176 of 2017 dated 19.08.2017 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 19.08.2017, the co-accused Nipu Yadav called the informant's husband on the road and thereafter the petitioner and the co-accused started abusing and assaulting him for which the informant's husband was protested. It is further alleged that on instigation of the co-accused, Raja Ram Shah, the co-accused Dara Yadav assaulted him with knife. Other co-accused persons assaulted him with



fists and slaps. On instigation of the co-accused Mukesh Shah, the co-accused Mattalu Miyan fired on him due to which the informant's husband died in Sadar Hospital, Siwan. The reason behind the occurrence is that the informant's husband was the Up-Mukhiya and the wife of the co-accused Raja Ram Shah is the Mukhiya and the co-accused Raja Ram Shah is the Pramukh and for which earlier the informant's husband used to make protest for illegal act and for which the co-accused Raja Ram Shah gave threatening earlier.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from possession of the petitioner. It is further submitted that during investigation no other concrete evidence has been collected to suggest the involvement of the petitioner in the present case. There is no specific overt act alleged against the petitioner. Similarly situated co-accused persons have been granted bail by other Co-ordinate Benches of this Court vide Cr. Misc. No. 18106 of 2018 under order dated 02.04.2018, Cr. Misc. No. 22404 of 2018 under order dated 16.04.2018 and Cr. Misc. 15797 of 2018 under order dated 20.08.2018. The petitioner has twenty four criminal antecedents



in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 11.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 6th, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 176 of 2017.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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