

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17059 of 2024

Arising Out of PS. Case No.-462 Year-2022 Thana- TARAIYA District- Saran

Sahzad Ahamad @ Sahzad Ahmad, aged about 20 years, Gender-Male, Son of
Aajad Miyan, R/o Village- Hajiya pur, P.S.- Gopalganj, Dist.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 30-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Sessions Trial
No. 488 of 2023 in connection with Taraiya P.S. Case No. 462
of 2022 dated 12.12.2022 registered for the offences punishable
under Sections 341, 324, 307 and 302/34 of the I.P.C.

3. In compliance of the order dated 20.04.2024, Dr.
Pankaj Kumar, Medical Officer, Sadar Hospital, Chapra has
appeared before this Court. He has explained the query of the
Court and accepted his mistake and submits that the same has
been done mistakenly. He has tendered his unconditional
apology for such mistake.

4. Considering the same, the apology of Dr. Pankaj



Kumar, M.O., Sadar Hospital, Chapra, is hereby accepted.

5. As per the prosecution case, on 11.12.2022 at 10.00 P.M., the barat of the daughter of the informant's neighbour, namely, Firoz Alam, came from Gopalganj and in that barat, on the question light of dancer which was cut, some scuffle took place between the barati and sarati. In the meantime, while the informant's husband was providing dinner, the co-accused Aasif Ali and Sahjad Ahmad (petitioner) gave knife blow on him, due to which, he fell down on the ground. It is further alleged that five unknown persons also assaulted her husband which were not identified by her but on seeing she would identify them. The informant claims that the co-accused Aasif Ali, Sahjad Ahmad (petitioner) and five unknown persons killed her husband by means of knife, fists and slaps. In this incident, the villager Dharmendra Rai also sustained injury.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. It is submitted that in course of scuffle, the petitioner alongwith the co-accused tried to pacify the matter, meanwhile some unknown persons attacked on the informant's husband due to that he died. The petitioner with the help of other co-villagers took the informant's husband



to the Sadar Hospital, but he died. It is submitted that both parties are co-villagers. There is no independent witness except the family members of the informant in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 14.12.2022.

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

8. 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 Additional District Judge (ADJ) 4th, Saran at Chapra in connection with Taraiya P.S. Case No. 462 of 2022 with the condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. The personal appearance of Dr. Pankaj Kumar, Medical Officer, Sadar Hospital, Chapra, before this Court, is



dispensed with.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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