

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19710 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- SIKARPUR District- West Champaran

SHAHNAWAJ @ RIJWANUL HAQUE SON OF MAINUL @ MAINUL
HAQUE R/O-NAUTANWA, P.S.-SHIKARPUR, DISTT.-WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 17-05-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Shikarpur P.S. Case No.598 of 2023 registered for the offence under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Sections 27, 25(1-B)A, 26, 30 and 35 of the Arms Act and later on added Section 302 of the IPC.

3. As per FIR, allegation against the petitioner along with other co-accused persons is of assaulting the informant and open indiscriminate firing upon the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that petitioner is



not the assailant of the deceased, rather he is said to have fired upon cousin of the informant, Santre Sheikh causing firearm injury. It is submitted that there is land dispute in between the parties, for which, case and counter case from both the sides. It is submitted that similarly situated co-accused persons has already been granted bail by this Court through Cr. Misc. No.28145 of 2024 on 19.04.2024 and Cr. Misc. No.830 of 2024 on 10.04.2024. It is further submitted that petitioner is in custody since 20.07.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. In view of the submissions, as made above, as it appears from perusal of FIR that specific allegation as regard to causing death of deceased Md. Iliyash is against other co-accused person and allegation against this petitioner is to fire upon cousin of the informant Santre Seikh causing firearm injury on his left hand. It appears that two accused persons have already granted bail by this Court, as submitted by learned counsel for the petitioner, where, ground of bail as regard to allegation against co-accused, namely, Sekh Mustafa @ Shekh Mustafa @ Mustufashekh is to cause injury to informant and perusal of the injury report of the informant only one injury



laceration over head, which is simple in nature and and allegation against co-accused, namely, Tahkil Ahmad @ Taukil Ahmad is to fire upon abdomen of Santre Seikh, where, no injury found on abdomen of Santre Seikh, but there is specific allegation is against this petitioner as regard to firing upon Santre Seikh and also from perusal of the injury of Santre Seikh it appears that fire-arm injury noted by Medical Officer over left arm and forearm and nature of injury is grievous and this Court is not inclined to grant bail to the petitioner, at present.

7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

8. Learned trial court is directed to conclude the trial within a period of 01 year from the date of receipt of a copy of this order and if the trial could not be concluded within specified period, the petitioner would be at liberty to renew the prayer for bail of the petitioner.

(Ramesh Chand Malviya, J)

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