

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45298 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

MD. SHAMSHAD SON OF MD. SANJAR @ SANJAR MIYA VILLAGE-
KHANJHAPUR, P.S.- CHERIYA BARIYARPUR, DISTT.- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Yogesh Kumar, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

=====

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

ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Cheriya Bariyarpur P.S Case No. 26 of 2024 dated 07.02.2024 registered for the offence punishable under Sections 120B, 302, 326 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is alleged that the co-accused persons Rajesh Tanti and Saroj Tanti slammed Ameer Sahni (brother-in-law of the informant) on the ground. The petitioner and the co-accused, Rajesh Tanti caught hold of his hand and the co-accused Parmeshwari Mahto and the petitioner (Shamshad) also caught hold of the leg of Ameer Sahni.



Thereafter, the co-accused Bhushan Tanti fired on the chest of the deceased. The co-accused Tajvar exhorted to kill then Raushan Tanti fired on the head of Ameer Sahni who died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and has committed no offence as alleged in the FIR. There is specific allegation against the co-accused Bhushan Tanti and Raushan Tanti and the only allegation against the petitioner is of catching hold of the hand of the deceased. The petitioner has three criminal antecedents which are not related to similar nature of offence, as stated in para 3 of the bail petition. The petitioner is in custody since 07.02.2024.

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 Court concerned, Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 26 of 2024, 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 bond of the petitioner is liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

shivam/-

U			
---	--	--	--

