

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45348 of 2024**

Arising Out of PS. Case No.-843 Year-2023 Thana- BETTIAH CITY District- West
Champaran

Nanhe @ Shahid Ali @ Shahil Ali Son of Hasmat Ali @ Hasamat Ali
Resident of Vill.- Ghusukpura, P.S.- Bettiah Nagar, DIst- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 27-09-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Bettiah (Town) P.S. Case No. 843 of 2023 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

3. As per allegation, fourth son of the informant
namely, Afsar Hashmi went out from his house. Thereafter, the
informant heard that someone had made him injured by
inflicting knife blows. Afsar Hashmi was brought to the hospital
where he was declared as dead. It has also been mentioned in
the FIR that all these three co-accused persons including the
petitioner surrounded the deceased and co-accused Salauddin @
Thakur inflicted knife blows on the deceased. The deceased



disclosed this fact to his brother Md. Asaraf Hashmi.

5. Learned counsel for the petitioner has submitted that the informant is a hearsay witness. As a matter of fact, none had seen the occurrence and the presence of the named accused persons including the petitioner at the spot was merely as spectators. It has also been submitted that there is no material on the record showing that the present petitioner shared any common intention/object to commit culpable homicide of the deceased. It has lastly been submitted that the specific allegation of inflicting knife blows is against co-accused Salauddin @ Thakur and not against the petitioner.

6. On the other hand, the learned APP has opposed the prayer for bail and submitted that the deceased in injured condition narrated the entire fact to his brother Md. Asaraf, whose statement has been recorded in paragraph no. 8 of the case diary, in which, he has fully corroborated the occurrence. It is true that co-accused Md. Salauddin @ Thakur is the main assailant but this petitioner and co-accused Naushad Ansari had also surrounded the deceased along with the main accused Md. Salauddin.

7. Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail, which is



hereby rejected.

8. Learned court below is directed to take every
endeavour to expedite the trial.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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