

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56966 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- SIWAN CITY District- Siwan

Md. Shekhu Khan @ Md. Shekhu @ Shekhu SON OF MD. ISMAIL @
BHAYA MIYA @ MOHAMMAD ISAMAYAL, Resident of Village -Naya
Qila Aasi Nagar P.S.- Siwan Town District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-09-2024 1. Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.
4. The informant alleges that he went to Masjid on 28.02.2024 at about 08:00 p.m. and called his son (Seraj) asking him about his whereabouts when he heard Hulla but Seraj disclosed that he is at Nawalpur Idgah where one Nawabhul was constructing a boundary on his land, accordingly, the informant reached the place of occurrence and saw that a heated argument



was taking place in between Nawabul, Batla Pintu, Nehal and Shekhu (petitioner) and the son of the informant. Further, Nawabul asked Batla to shoot the son of the informant on which Batla fired causing injury on the chest of his son and fled away, thereafter Shekhu came and took away Seraj to the hospital. It is next alleged that the occurrence took place on account of dispute of construction of boundary.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of shooting the son of the informant is against Batla Pintu on orders of Nawabul. It is further submitted that even informant alleges that when he reached the place of occurrence, he saw that a heated argument was going on in between Nawabul, Batla Pintu, Nehal and Shekhu and the son of the informant and on orders of Nawabul, Batla committed the occurrence. It is further submitted that informant himself in the FIR has disclosed that this petitioner brought an auto and took the son of the petitioner to hospital for treatment. It is thus submitted that apart from the fact that petitioner was also present at the place of occurrence no overt act has been alleged against him rather the informant himself has stated that he tried to save his son.



6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for regular bail of the petitioner.

7. Considering the aforesaid submissions, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Siwan Town P.S. Case No. 83 of 2024.

(Satyavrat Verma, J)

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