

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57626 of 2024

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

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Salauddin @ Thakur son of Late Juman Khan Village- Piuni Bag, Baswariya,
ps- Bettiah Town, Dist- West champaranu ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.

For the State : Mr. Shailendra Kumar, APP

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

ORAL ORDER

3 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 surrounded the
deceased and the petitioner, 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. He has also submitted that the petitioner is a person of clean antecedent.

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. The petitioner is the main assailant and prayer for bail of the co-accused Nanhe @ Shahid Ail @ Shahil Ali has already been rejected today itself in Cr. Misc. No. 45348 of 2024 who is alleged to have surrounded the deceased along with the co-accused Naushad Ansari.

7. Considering the above-mentioned facts and circumstances as also the fact that the petitioner is main assailant, I do not think it to be a fit case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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