

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16154 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- MANJHAGARH District- Gopalganj

Shamim Ahmad @ Shamim Sah @ Md. Shamim Son of Sahmood Sah R/O
Vill- Dewapur, Purdil Tola, P.S.- Manjhagarh, District- Gopalganj
... .. Petitioner/s

Versus

The State of Bihar Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offences punishable under Sections 109(1), 3(5) of BNS and
Section 27 of the Arms Act.

3. As per the prosecution case in nutshell is that the
informant on getting information regarding incident of firing at
village Duldulia at 22:30 hours on 02.10.2024 reached there and
found injured Chhattu Yadav was resting on *Chaarpayee*. It is
alleged in the FIR that neighbours have said to informant that
some unknown persons riding on motorcycle came and
indiscriminately fired on him and fled away. Thereafter injured
was taken to Sadar Hospital, Gopalganj from where he was
referred to Gorakhpur and thereafter referred to Lucknow, later



on he died on 05.11.2024.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner is not named in the FIR, name of the petitioner has been surfaced during course of investigation. He next submits that there is no any cogent material found on record which shows the petitioner is involved in the alleged offence. He next submits that injury sustained by the deceased in the night of 02.10.2024 but he died on 05.11.2024, after lapse of more than one month due to lack of proper treatment. He next submits that petitioner is in custody since 29.10.2024 and has no criminal antecedent.

5. However, learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that there is active participation of the petitioner in the murder of the deceased.

6. On perusal of the First Information Report, postmortem-report, case diary and impugned order dated 20.01.2025, it appears that the petitioner is not named in the FIR, but after becoming conscious, injured cum deceased given his *fardbeyan* and stated about the alleged occurrence and put specific allegation of firing against the petitioner and name of



petitioner had come during investigation from the video clip from which it is clear that petitioner was involved in the alleged offence. The witnesses in para- 14 & 15 of the case diary disclosed that son of Mobin Sai @ Mobin Mia namely Tujarat Sah @ Tujarat Ali and nephew of Kamil Thekedar, namely, Shamim Ahmad @ Shamim Sah (present petitioner) had fired upon the deceased. The doctor opined that the cause of death is ante-mortem fire arm injury, so this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Harshita/-

U		T	
---	--	---	--

