

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32656 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BANJARIA District- East Champaran

Hasim Mian @ Hasib Mian S/o Basir Mian @ Wajir alam R/o Vill.-
Majuraha, P.S.- Raghunathpur, Distt.- Motihari, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Bijendra Kumar, Advocate
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-08-2025 Heard Mr. Ramakant Sharma, learned Senior Counsel for the Petitioner assisted by Mr. Bijendra Kumar, advocate, Mr. Shashank Shekhar, learned counsel for the informant and Mr. Murli Dhar, learned APP for the State.

2. Petitioner seeks regular bail in connection with Banjariya P.S. Case No. 116 of 2025 dated 22.02.2025 registered for the offences punishable under Sections 103(1), 3(5) and 61(2) of the Bharatiya Nayaya Sanhita and Section 27 of the Arms Act.

3. As per the prosecution story, on 21.02.2025, around 6:30 P.M., Krishna Shahni (deceased) was returning from Harsiddhi towards Motihari near Panchkula village on NH-28 under Banjaria Police Station jurisdiction. As he passed by the



house of Ramayan Shahni, unidentified armed assailants opened fire at his head, chest and abdomen causing his instant death. Prior to this, Krishna Sahani had entered into an agreement involving 12 Kattha of land in Motihari for 21 lakh rupees. Several individuals were partners in this venture including the petitioner.

4. The main submissions advanced by petitioner's counsel are that as per the allegation made in the FIR, the informant's father, who was killed, had entered into an agreement with one Raj Kumar Shahni in which co-accused, Bittu Shahni, was also one of the partners, though, the petitioner was also shown as a partner and during the course of investigation, the co-accused, Golu Shahni, was apprehended and he recorded his confessional statement in which he revealed the name of this petitioner mainly as a conspirator, however, the said statement was recorded before the police in the form of confessional statement which has no evidentiary value. It is further submitted by learned senior counsel that though the bail prayer of the co-accused, Bittu Shahni has been rejected by the learned co-ordinate Bench of this Court but the case of this petitioner stands on different footing compared to the co-accused and he has been implicated in this case merely on the



basis of suspicion. It is lastly submitted that the petitioner had no motive to join the assailants in the murder of the deceased.

5. On the other hand, Mr. Shashank Shekhar, learned counsel appearing for the informant has vehemently opposed the bail prayer for the petitioner and submits that the bail prayer of co-accused, Bittu Sahani, has been rejected by the learned co-ordinate Bench of this Court and the case of this petitioner stands on similar footing as he was a part of the conspiracy pursuant to which, the murder took place and in this regard, the confessional statement of co-accused, Golu Shahni, may be perused and further, in the light of the statement made by Golu Shahni, the firearm which had been used in inflicting firearm injury to the deceased, was also recovered.

6. Learned APP appearing for the State has also opposed the prayer for bail of the petitioner.

7. Heard both the sides and perused the FIR, case diary and the trial court's order. The petitioner is named in the FIR and as per the allegation, the informant's father entered into an agreement with one namely, Raj Kumar Sahni for purchasing a land after paying twenty one lakhs rupees as consideration amount and it came into light that due to that agreement with regard to the said land, the petitioner and co-accused, Bittu



Shahni, were not happy as they wanted to purchase that land due to which a conspiracy hatched up, in furtherance of which, the alleged incident was committed. Though there is no direct evidence against this petitioner but the alleged occurrence is said to have been committed in furtherance of a conspiracy hatched up by the co-accused persons including the petitioner and the bail prayer of a similarly situated co-accused has already been rejected by the learned co-ordinate Bench of this Court. Considering all these facts, this Court is not inclined to release the petitioner on bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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