

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51270 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Syed Quasim Hasan @ Quasim Hussain @ Dollar, male, aged about 58 years,
Son Of Syed Eqbal Hasan Rizvi @ Eqbal Hussain @ Syed Iqbal Hasan R/O-
Mohalla Chandwara Opposite Marwari High School, P.S.- Town, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

5 21-02-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a

case registered for the offence punishable under Sections 302,
307, 379 and 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per FIR, on 21.07.2023, in the evening the

petitioner called the husband of the informant and on this call
her husband, namely, Ashutosh Sahi departed from his house by
a Scorpio with three personal bodyguards and driver, in the
same night she got information that her husband has been killed
in the house of the petitioner with his three bodyguards by the



accused persons. Thereafter, personal guards were taken to hospital but they also died during course of the treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely been implicated in this case merely on the basis of suspicion. He next submits that the informant is neither the eye-witness of the alleged occurrence nor there is specific allegation of murder attributed against the petitioner, moreover there is no allegation on petitioner being the liner in this case. He further submitted that in the confessional statement of co-accused Govind Kumar and Mantu Sharma vide case diary page no. 174 to 180 and 181 to 184 respectively, it transpires that they in conspiracy with each other committed the murder of the deceased Ashutosh Shahi but they did not name the petitioner as conspirator or accomplice in this case. He further submitted that the petitioner received a missed call from the deceased himself and in response to the said missed call, the petitioner after few minutes called back the deceased in which the deceased was seeking legal consultancy. He further submitted that during course of investigation, CDR report has been obtained which shows that the petitioner has no call link with the co-accused persons and clearly belies the allegation in the FIR that the petitioner multiple times called the



deceased as part of some conspiracy.

5. Learned counsel further submitted that the petitioner too suffered two bullet injuries, one on his right arm and other on his right thigh. He further submitted that the gunshot was fired from the distance and the petitioner could have sustained fatal injuries which clearly shows absence of collusion. He further submitted that several co-accused persons have also been granted bail by this Court in Cr. Misc. Nos. 11806 of 2024, 18231 of 2024, 32137 of 2024 and 52366 of 2024. Petitioner is in custody since 04.06.2024.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. From perusal of FIR, case diary, injury report, CDR report and impugned order dated 29.06.2024 passed by learned Additional District and Sessions Judge- XX, Muzaffarpur, it appears from the CDR that the petitioner had conversation with the deceased before the alleged occurrence and to verify the same, a report was called from the service provider whether missed calls are displayed in the CDR reports or not, to which the service provider had reported that missed call are not recorded by the service provider. From the perusal of injury report of the petitioner, it transpires that the petitioner



has also sustained two bullet injuries, one on his right arm and other on his thigh and none of the confessional statement of the other co-accused discloses the name of the petitioner to show the involvement of the petitioner as a conspirator.

7. In view of the aforesaid facts and circumstances as well as the fact that other co-accused persons have already been granted bail by Co-ordinate Benches of this Court, so let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-20th, Muzaffarpur in connection with Sessions Trial No. 433 of 2024 arising out of Muzaffarpur Town P. S. Case No. 614 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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