

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79046 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- SUGAULI District- East Champaran

Sheikh Wahab @ Sheikh Abdul Wahab @ Abdul Wahab Son of Sheikh Hashmuddin R/O Vill.- Pajiarwa, P.S.- Sugauli, Dist.- East Champaran, Bihar.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shahrukh Shiddiqui, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Sugauli P.S. Case No. 50 of 2024 registered for the offences under Sections 147, 149, 341, 323, 307 & 504 of the Indian Penal Code and 27 of the Arms Act.

3. The petitioner is named in the First Information Report and is in custody since 26.06.2024.

4. Allegation against the petitioner along with other co-accused persons is to open fire upon the chest of the informant causing fire-arm injury, where the alleged occurrence has arisen out of previous enmity/land dispute between the parties.



5. It is submitted by learned counsel appearing on behalf of the petitioner that the reason behind the present occurrence is land dispute, where informant/injured is full uncle of the petitioner. It is submitted that land dispute now stands compromised.

6. While concluding argument, it is submitted that petitioner found involved in one criminal case, where he is on bail and, moreover, investigation of this case is completed and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that allegation as to open fire on the vital part i.e. chest of the informant/injured, is specific against this petitioner. It is submitted that as bullet could not exit, therefore, exit wound is not available through injury report, however, in C.T. scan of chest of informant/injured, a metallic body measuring approximately 3.1x 1.6 cm. was found in the right interior chest wall. It is also submitted that due to aforesaid firing, fracture of fourth and fifth rib of the informant took place. It is submitted that in view of specific allegation which appears



prima-facia corroborate with manner of assault/firing, the present case is not a fit case to grant bail to the petitioner.

8. In view of the aforesaid submission and by taking note of fact as the allegation of firing is specific against the petitioner which caused fire-arm injury on the chest of the informant/injured appears fully corroborate with injury report, accordingly, prayer of bail of the petitioner is rejected herewith for the present.

9. However, considering the custody period as the petitioner is in custody since 26.06.2024, learned trial court is directed to expedite the trial so as to conclude the same preferably within nine months, failing which the petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

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