

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43923 of 2015

Arising out of PS.Case No. -117 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

Md. Aslam son of Md. Abdul Gani, Resident of village- Mirzapur Bardah,
Police Station- Mufassil, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2015 Heard learned senior counsel for the petitioner and
learned counsel for the State

The petitioner is languishing in custody since 23.07.2015
in connection with Mufassil P.S. Case No. 117 of 2014 for the
offences instituted under Sections 302, 379/34, 120(B) of the IPC
and 27 of the Arms Act.

The prosecution story, in brief, is that the informant
happens to be maternal-uncle of the deceased had stayed in the
house of deceased on the previous day of occurrence. On
10.06.2014 at around 7.30 A.M. the deceased after talking on his
mobile started moving towards the alleged place of occurrence by
motorcycle then the informant also boarded on motorcycle with
the deceased and both moved and when they reached the house of



Saket Chaudhary, all the named accused were there before. After some argument, one Anil Yadav slapped the deceased and ordered to shoot him noted upon the petitioner fired upon the deceased which hit his stomach and he started fleeing, however, other accused on chase caught and over threw him and he fell on the ground then one Manoj Chaudhary shot him dead by hitting his head. The informant somehow escaped from the scene of occurrence and after arriving of police, the informant also arrived at the alleged site of occurrence he found motorcycle was also missing. The informant claims that all the accused persons with common intention killed the deceased because of old enmity.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner has falsely been implicated in the present case. There is an admitted enmity between the parties. From perusal of paragraph nos. 15 and 16 of the case diary it would appear that a different version to the prosecution has been made where Manoj Chaudhary and Jitendra Chaudhary are said to be the assailants.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation

against the petitioner for making fire shot upon the deceased and subsequently the deceased succumbed to the said injuries.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Mufassil P.S. Case No. 117/2014, pending in the court of the learned S.D.J.M., Munger. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

U.K./-

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

(Sudhir Singh, J)