

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49894 of 2014

Arising Out of PS.Case No. -62 Year- 2013 Thana -MATIHANI District- BEGUSARAI

1. Md. Quasim son of Late D, Shakoor resident of village Saidpur, P.S. Matihani, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-04-2015

Heard both sides.

The petitioner seeks bail in Matihani P.S. Case No. 62 of 2013, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant named eight persons and alleged that Md. Quasim the petitioner, Md. Masi Alam and Md. Jamahir were inside the mosque and other accused persons were standing outside the mosque. Md. Quasim the petitioner, Md. Masi Alam and Md. Jamahir open firing causing death of the brother of the informant. The reason behind the occurrence is that an attempt was made to kill the father of the informant in the year 2007 and the deceased was one of the witnesses.

Learned counsel for the petitioner submits that from perusal of the FIR itself, it would appear that the informant is not an eye

witness of the occurrence. He came at the place of occurrence after hearing the sound of firing. There was a time of prayer in the mosque, but no independent witness has been examined. Only three witnesses have been examined. One of the co-accused Md. Umar has already been enlarged on bail vide order passed in Cr. Misc. No. 45250 of 2014.

It appears that the petitioner along with two other accused persons were inside the mosque and the informant made very specific allegation that the petitioner and others made firing causing death of the brother of the informant. The motive is also there that the deceased was one of the witnesses of the occurrence in killing of the father of the informant. The case of the petitioner is quite different with the case of Md. Umar who has already been enlarged on bail as he was standing outside the mosque and there was no allegation of firing against him.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt/production of a copy of this order.

(Prabhat Kumar Jha, J.)

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