

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31893 of 2016

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

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Anjum Md. Iqbal son of Md. Naseem, resident of Harnata Tola, Lodikaatra,
P.S. Chowk Patna City, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Smt. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2016 Heard learned counsel for the Petitioner, the State and

the informant.

The Petitioner seeks bail in Kadam Kuan P.S. case
No.367 of 2015 instituted for the offence under Sections 302 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act,
pending in the court of Sri M. Kumar Singh, Judicial Magistrate,
1st, class, Patna.

Allegedly, Avinash Kumar, the brother of the
informant, as soon as reached near Hanuman Temple at Daldali
road, the F.I.R. named accused persons and 7-8 unknown persons
surrounded him and thereafter shot him dead as in the election of
Ward Counselor co-accused Jyoti Gupta was a candidate and the
wife of the deceased was also a candidate but both were defeated

and since then the accused persons were causing threats.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.08.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Six persons are named in the F.I.R. The petitioner is not named in the F.I.R. His name has come in course of investigation. There is no substantive evidence to suggest his implication in the present case. No proper identification has been conducted in respect to the petitioner. The photograph of the petitioner in the C.C.T.V. is fictitious since it is a very crowded place. The other co-accused, namely, Panna Lal Gupta, Darshan Kumar @ Guddu, Jyoti Gupta, Ashok Kumar @ Pintoo and Chhote Miyan @ Aftab have been granted bail vide Annexures-2, 3 and 4 to the present application.

On behalf of the State and the learned counsel for the informant, it is submitted that though the petitioner is not named in the F.I.R. He has been made accused in the present case on the basis of the footage of the C.C.T.V., which was placed at the place of occurrence. Three persons were seen making firing upon the deceased. The postmortem report also supports the allegations to that extent. Subsequently when the said C.C.T.V. footage was put

before the father of the petitioner, he identified the petitioner to be his son, who was there firing upon the deceased. The said fact has come in paragraph 142 of the case diary. The three persons, who are said to have fired upon the deceased, are Md. Raja @ Iftekhar, Md. Allaudin Ansari and Anjum Md. Iqbal (petitioner). The other co-accused persons, who have been granted bail, are not the assailants as per the C.C.T.V. footage.

Considering the aforesaid facts and circumstances and the allegations against the petitioner, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to expedite the trial and conclude the same as early as possible.

(Sudhir Singh, J)

Narendra/-

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