

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34915 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Md. Shamshad @ Auwa son of Late Yusuf Miya resident of Mohalla-
Pankaj Market, Saraiyeganj P.S.- Town District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satya Prakash

For the Opposite Party : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution story, in brief, is that when the
informant was bringing the deceased for his production in the
court of chief Judicial Magistrate, Muzaffarpur, two unknown
persons fired thrice upon the deceased, due to which he
succumbed to the injury.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 07.06.2016. 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. The petitioner is not named in the First Information Report. He has falsely been implicated in the present case. The petitioner had come for making his deposition in the murder case of his nephew, in which, the deceased was one of the accused. The family members of the deceased have made no specific allegation against the petitioner in para-17 of the case diary but later on, from paras-46 to 51 of the case diary, they have tried to develop the prosecution case and have made a specific allegation upon the petitioner. In the First Information Report, it is alleged that three fire shots were made upon the deceased but there is only one fire shot injury found on the body of the deceased.

On behalf of the state, it has been submitted that the petitioner is not named in the First Information Report but in paras-46 to 51 of the case diary, a specific allegation has been made against the petitioner for firing upon the deceased, which lead to his death. The postmortem report also supports the allegations made by said witnesses, in course of investigation.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in

Town P.S. Case No. 264 of 2016, pending in the court of learned Chief Judicial Magistrate, Muzaffarpur.

Anyhow, the court below is directed to take all necessary steps to expedite the trial so that at the earliest the trial could be concluded.

(Sudhir Singh, J.)

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