

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27820 of 2017

Arising Out of PS.Case No. -91 Year- 2015 Thana -BHARGAWAN District- ARRARIA

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1. Md. Mukhtar S/o- late Ibrahim Resident of Village- Baijupatti, P.S.
Bhargama, District- Araria,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Md. Naushad Uzzoha
Mr. Nafiszoha

For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 22.12.2016 in
connection with Bhaggama P.S. Case No. 91/15 for offences
punishable under Section 302 and other allied Sections of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that petitioner along with other persons variously armed with
weapons came to the house at 7.00 A.M. on 12.05.2015 and
started abusing and assaulting the informant side. The petitioner is
alleged to have made fire-arm injury on the deceased Md. Nayeem
while others also gave injuries to the other family members of the



informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and there was a property dispute between both sides for which Section 144 of the Cr.P.C. was drawn between them and that the time of occurrence is 7.00 A.M., police came to the place of occurrence and prepared seizure-list at 9.20 A.M. on the same day in which informant is one of the witness, but the First Information Report has been lodged at 1.00 P.M. on the same day and in spite of the informant being witness in the seizure-list, his statement was not recorded by the police, which is violation of Section 161 Cr.P.C. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is the eye-witness and the petitioner was found to have caused fire-arm injury on the chest of the deceased, which is supported by the post mortem report.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Bhargama P.S. Case No. 91/15, pending in the court of learned Addl. Chief Judicial



Magistrate-II, Araria.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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