

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47040 of 2016

Arising Out of PS.Case No. -204 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

1. Md. Amjad Son of Md. Farid resident of Mohalla- Khanjarpur, P.S.-
Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s Smt. Sahin Begam

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

5 03-03-2017 Heard both sides.

The petitioner seeks bail in Kotwali (Barari) P.S. case
No. 240 of 2016, corresponding to Sessions Trial No. 598 of 2016,
under Section 302/34 of the Indian Penal Code and under Section
27 of the Arms Act.

The informant alleged that his son, Md. Mehraj, after
taking feast, remained in Khanjarpur. On the next date Saroj @
Bibi Sabiya informed the informant that his son was serious.
When the informant went to the place of occurrence Bibi Rafiya
informed the informant that Md. Amzad, Md. Obais, Md. Chhotu
and Md. Sajan were also there and Md. Amzad took gun from Md.
Sajan and fired which hit on the chest of Mehraj.



The learned counsel for the petitioner submits that petitioner has got no criminal antecedent. There was an accidental firing as Md. Sajan was carrying the pistol and the petitioner wanted to take back the pistol to see but in the scuffle firing was made which hit on Md. Mehraj. The petitioner and others thereafter took the deceased to hospital but the doctor declared him brought dead, therefore, there is nothing on the part of the petitioner to kill Mehraj. Similar is the statement of other witnesses including Md. Rafia in paragraph 6 of the case diary.

It appears that there is specific allegation against the petitioner that he took pistol from Md. Sajan and fired which hit on the chest of deceased.

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

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

The Superintendent of Police, Bhagalpur is directed to ensure the attendance of non examined prosecution witnesses of Kotwali (Barari) P.S. case No. 204 of 2016, corresponding to Sessions Trial No. 598 of 2016, in the trial court so that the trial



must be concluded within one year.

Let a copy of this order be sent to the trial court as well as Superintendent of Police, Bhagalpur for information and needful.

(Prabhat Kumar Jha, J)

BKS/-

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

