

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8289 of 2018

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

Md. Mukhtar, S/o Late Md. Ibrahim, Resident of Village- Baijupatti, Ward No.- 4, P.S. Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. SANJAY KUMAR SINGH

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 31.07.2017, passed in Cr. Misc. No. 27820 of 2017.

Petitioner is languishing in judicial custody since 22.12.2016 in connection with Bhargama P.S. Case No. 91/2015, G.R. No. 1225 of 2015 for offences punishable under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that the petitioner along with others came variously armed with weapons and fire-arms and started assaulting the informant side. Specific allegation against the petitioner is of giving fire-arm



injury on the chest of the deceased Md. Nayeem.

It has been submitted by the learned counsel for the petitioner that he is innocent and there is lot of contradictions in the prosecution case, as the informant, who is one of the eye-witness, was not examined by the police, who arrived at the place of occurrence. He submits that charges have been framed and petitioner is ready to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye-witness to the alleged occurrence and the post mortem report also corroborates fire-arm injury on the chest of the deceased.

In this connection, a report was called for from the court of learned A.D.J.-II, Araria, who has stated that charges have been framed on 07.12.2017, summons have been issued against the witnesses on 21.02.2018 and the matter is fixed for evidence on 09.03.2018.

Considering the nature of allegations, I am not inclined to grant privilege of bail to the petitioner at this stage.

Application is, accordingly, rejected. However, the learned court below is directed to expedite the trial and conclude the same within a period of nine months. Petitioner is at liberty to



renew his prayer for bail if trial is not concluded by that time.

(Nilu Agrawal, J)

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