

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21664 of 2019

Arising Out of PS. Case No.-312 Year-2018 Thana- BARARI District- Katihar

Alam @ Md. Alam, aged about 35 years, Male, Son of Late Abdul Rashed,
Resident of Village- Dumaniya, P.S.- Barari (Semapur), District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sunil Prasad Singh, Advocate.
For the State	:	Mr.Nityanand Tiwary, A.P.P.
For the Informant	:	Mr. Tarun Prasad Mandal, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-08-2019 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner is languishing in custody since
23.01.2019 in a case for the offence registered under Sections
147, 148, 149, 302 and 307 of the IPC.

The prosecution story, in brief, is that on 30.07.2018
at 1.00 P.M., the informant was doing some work in her
courtyard. In the meantime, Alam, Md. Alfaz, Md. Nazir, Md.
Samir, Abul Kalam @ Kasu and Md. Maukamal came armed
with Hasua, Iron Khanti, rod and Garasa and started searching
her husband by giving abuse. She said her son to call his father.
When her husband came, all accused persons started assaulting
with intention to kill him. Md. Alam (petitioner) and co-accused
Md. Alfaz cut the neck of her husband. When he fell down, co-



accused Md. Nazir assaulted with Iron Khanti and Shageer assaulted with rod on the head of her husband, as a result of which, her husband died on the spot. When the informant and her brother Md. Mofizul Haque came to rescue her husband, accused persons cut their hands with Hasua and Md. Mokamul and Abul Kalam assaulted them with Garasa. It is further alleged that Md. Nazir, Md. Shageer, Md. Nazrul Haque and Bibi Romisha are involved in the murder of husband of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Weapons used in the occurrence are said to be Hasua and Dabia. The petitioner had no intention to commit murder. Both parties are agnates. There is property dispute between the parties.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is named in the F.I.R. Other co-accused persons are also said to have assaulted the deceased. The deceased succumbed to the said



injuries. The petitioner is said to be one of the assailants of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Barari (Semapur) P.S. Case No. 312 of 2018, pending in the court of learned A.C.J.M.-V, Katihar.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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