

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51313 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- PAHARKATTA District- Kishanganj

MAHMOOD ALAM @ MEHAMUD, aged about 45 years, Male, S/o Sher Mohammad, Resident of Ruhitola, P.S.- Paharkatta, Distt.- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dilip Kumar Singh, Advocate.
For the Opposite Party : Mr.Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 13.04.2019 in a case for the offence registered under Section 302 of the IPC.

The prosecution story, in brief, is that on 12.04.2019 at about 16.05 hours, the informant's father-in-law, namely, Shamim Akhtar@ Bachcha had gone to his field for ploughing. When the informant was going to give food to him, Mahmood Alam (petitioner) who was sitting from before near the field, said to her that why she came to give food. This land belongs to Mahmood Alam (petitioner). The informant started raising alarm. In the meantime, Mahmood Alam gave Axe and knife blow to the informant's father-in-law, due to which, he fell



down on the earth with heavy bleeding. The Villagers arrived there, but the informant's father-in-law died.

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 due to land dispute. The petitioner and deceased are own brothers. The deceased is said to have died due to injury as he had fallen down while he was ploughing his field.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the alleged occurrence. The allegation is that the petitioner assaulted the deceased with axe and knife. The petitioner is sole assailant 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 Sessions Trial No. 99 of 2019, arising out of Paharkatta P.S. Case No. 28 of 2019, pending in the court of learned Sessions Judge, Kishanganj.

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 a copy of this order.

(Sudhir Singh, J)

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