

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51515 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KHAIRA District- Jamui

HAIDAR MIAN, aged about 41 years, Male, Son of Rafik Miyan, Resident of Village- Chokitand, P.S.- Khaira, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Lakshmi Kant Sharma, Advocate.
For the State	:	Mr. C. Jawahar, A.P.P.
For the Informant	:	Mr. Kartik Kumar Sinha and Mrs. Mala Sinha, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-08-2019 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in custody since 04.05.2019 in a case for the offence registered under Sections 147, 148, 149, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that when the informant and his son, namely, Sakaldev Kumar Yadav, was returning from attending feast of Rito Yadav on 24.04.2019 at about 7.00 P.M., the accused persons including the petitioner surrounded him and his son. The accused Nawab Mian, Ataul Ansari, Haidar Mian (petitioner) and Ibrar Mian fired on the son



of the informant, due to which, he was injured. The aforesaid son of the informant was declared brought dead in hospital.

It has been submitted by learned senior counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. No specific injury is attributed against the petitioner. General and omnibus allegation has been made against the petitioner. The petitioner is a *Choukidar*. He was on duty at Kotwali Police Station at Munger at the time of occurrence.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. It is further submitted that four persons i.e., Nawab Mian, Ataul Ansari, Haidar Mian (petitioner) and Ibrar Mian are alleged to have fired upon the deceased. The informant is an eye witness to the alleged occurrence. The postmortem report also supports the allegation made in the F.I.R. Altogether there are nine firearms injuries. Out of which, six are wound of exit and three are wound of entry. As far as alibi of the petitioner is concerned, the petitioner can raise the same at the time of trial.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is



rejected in connection with Khaira P. S. Case No. 116 of 2019,
pending in the court of learned C.J.M., Jamui.

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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