

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56504 of 2019

Arising Out of PS. Case No.-366 Year-2019 Thana- SAHARSA District- Saharsa

MD. MONAJIR S/o Md. Israil Khan R/o Hakapara, Ward No. 14, Police Station and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Verma

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner as well as learned Addl. P.P.

Deceased was done to death by way of causing firearm injury and for that, on the written statement of the mother of the deceased, namely, Renu Singh, instant case has been registered. There happens to be disclosure of names of different persons with whom the deceased was apprehensive that they may cause his death. Accordingly, they stood as F.I.R. named accused. So far as petitioner is concerned, he is not named in the F.I.R.

It has been submitted at the end of the learned counsel for the petitioner that two kinds of evidences are available in the case diary, the first one; statement of Md. Parwez and the second one; inculpatory extra judicial confessional statement of



the petitioner. However elaborating, it has been submitted that Md. Parwez has not disclosed that petitioner was armed with firearm and he shot at the deceased rather, he has stated that Radha Thakur, Amit Yaduvanshi and Md. Monajir came over motorcycle and then, they began to keep watching over shop of Brajesh Yadav. While he was engaged in his Garage, he heard sound of firing and then, he saw Radha Thakur fleeing therefrom on Splendor motorcycle having Amit Yaduvanshi as pillion rider, while Md. Monazir was following them. There happens to be no disclosure that he was carrying arms and in the aforesaid background, inculpatory extra judicial statement has got no relevancy. Charge-sheet has already been submitted against the petitioner keeping investigation pending against other accused persons. Petitioner has got no criminal antecedent and is under custody since 20.04.2019.

Learned Addl. P.P. opposed the same.

Md. Parwez, in his statement (para 6 of case diary), has further stated that people had chased them but, having duly armed, on account thereof, people became apprehensive whereupon, they managed to escape.

That being so, prayer for bail of petitioner is rejected. However, if the petitioner so advised, may renew his prayer for



bail after examination of Parwez.

(Aditya Kumar Trivedi, J)

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