

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20316 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- RAMNAGAR District- West Champaran

Obaidur Rahman @ Majhil Khan @ Wobaidur Rahman Son of Faizul Rahman Khan @ Fazrul Rahman Khan (Wrongly mention in the F.I.R. as son of Late Abdul Rahman Khan), Resident of Village - Fulkol, P.S.- Ramnagar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-09-2020 The matter has been taken up through virtual Court proceeding.

Since the court proceeding is non-functional in physical mode due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the office shall place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case as per the fardbeyan of Najmin Khanam recorded by S.I. Nitesh Kumar on 19.07.2019 at 2:05 P.M. is to the effect that on 18.07.2019 in the night, her husband conveyed her that co-accused Raju Khan and others are conspiring against him in relation to a land dispute and they might commit some serious offence against him. On 19.07.2019 at 12:15 P.M., co-accused Chhote Khan took the husband of the informant near the pond and after about twenty minutes, the informant came to know that her husband has been shot and killed. Subsequently she came to know that co-accused Raju Khan @ Musfaque Khan, Chhote Khan @ Minhaz, Atikur Rehman, Obbaidur Rehman (petitioner), Zafir, Faiyaz, Puttu Mishra, Majhil



Khan, Guddu Giri and three to four unknown persons conspired against the husband of the informant and when her husband reached near the pond, they made indiscriminate firing and killed the husband of the informant in the background of land dispute.

Learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence. The brother of the victim though during investigation has stated to have seen the occurrence and claims that several persons including the petitioner fired upon the victim but had he seen the occurrence, there was no occasion for him not to narrate his version in the F.I.R. During investigation, co-accused Faiyaz stated that he resorted to fire. The other brother of the victim has not named the petitioner.

Learned A.P.P. after going through the case diary submits that brother of the victim Nuruddin Khan in para 7 of the case diary has specifically stated that this petitioner along with other co-accused persons



made indiscriminate firing upon his brother and killed him. In paragraph 34 of the case diary, the statement of Saheb Hussain has been recorded wherein he has stated that victim was killed under a conspiracy and has also named the petitioner.

Considering the nature of accusation and the fact that informant raised suspicion in the F.I.R against certain persons including the petitioner which has been corroborated by the statement of the victim's brother recorded during investigation, this Court is not inclined to grant bail to the petitioner.

The petition stands rejected in connection with Ramnagar P.S. Case No. 160 of 2019, pending in the Court of learned A.C.J.M-III, Bagaha, West Champaran.

(Dinesh Kumar Singh, J)

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