

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18549 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- KALYANPUR District- Samastipur

MD. ISTEYAK AHMAD @ RAJU @ MIKEL S/o Late Md. Mustak Resident
of Village- Ratwara, P.S.- Kalyanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2020 This case has been heard through video
conferencing.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 & 120 B of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner along
with two other co-accused is said to have resorted firing on his
father and he succumbed to his injuries. The bone of contention
is said to be that one and half year ago his father made protest of
construction of house on the Government land by the co-
accused Akhatar Raja @ Md. Farooq, but later on compromise
was entered between the parties and Akhatar Raja tendered
apology.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 17.01.2020.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of resorting firing. Moreover, the deceased in his dying declaration has named the petitioner as a person involved in resorting firing. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner may renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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