

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28773 of 2020

Arising Out of PS. Case No.-120 Year-2019 Thana- CHANPATIA District- West Champaran

MERAJ ALAM Son of Nejamuddin Miya @ Najamuddin Miyan Resident of Village - Puraina, Gosai Jolaha Toli, Ward No. 3, P.S. - Chanpatiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Informant	:	Ms. Kanchna Kumari, Adv.
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

The petitioner seeks regular bail in connection with Chanpatiya P.S. Case No. 120 of 2019, registered for the offence punishable under Sections 341, 323, 307 and 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 05.04.2019 at about 7:00 pm., the petitioner herein had called the husband of the informant from his house and had asked him as to why he



has got the share of the petitioner's land registered in his mother's name. It is also alleged that in the meantime, the informant had also reached at the said place of occurrence, whereafter the co-accused person, namely, Nejamuddin Miya and the petitioner herein had pushed the husband of the informant on the ground and had started assaulting him. It is further alleged that when the informant had gone to save her husband, the co-accused person, namely, Minaj Khatoon, had arrived there with a gadasa in her hand, which she had handed over to the petitioner herein and told him to kill the husband of the informant, whereafter the petitioner had assaulted the husband of the informant on his head by means of a gadasa resulting in infliction of cut injury on the head of the husband of the informant, causing profuse bleeding. Upon alarm being raised, it is alleged that several co-villagers arrived there whereafter the husband of the informant was taken to the primary health centre in an injured condition, from where he was referred



to Darbhanga for better treatment and from there he was referred to M.J.K. Hospital, Bettiah, however, the husband of the informant was again referred by the Doctor to Motihari and during the course of taking the husband of the informant to Motihari, he died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 24.04.2019. The learned counsel for the petitioner has submitted that a general and omnibus allegation has been levelled against the petitioner and none of the injuries have been specifically attributed to the petitioner herein. It is further submitted that on account of admitted land dispute, the alleged occurrence has taken place and the petitioner had got no intention of harming the husband of the informant.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having considered the submissions made by



the learned counsel for the parties and taking in account the materials available on record as also those available in the case diary, this Court finds that prima facie, a case is definitely made out against the petitioner for the offences alleged and there are ample materials to suggest that the petitioner had inflicted gadasa blow on the head of the husband of the informant repeatedly resulting in his subsequent death. This Court further finds that the inquest report as also the injury report and the postmortem report of the deceased fully corroborates the alleged occurrence and the complicity of the petitioner in the alleged crime is writ large on the records, hence, I do not find any merit in the present petition especially in view of the heinous crime of murder committed by the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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