

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25572 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- MATIHANI District- Begusarai

MD. SAKIR @ RAJA Son of Md. Sabir @ Mohammad Sabir Resident of
Village- Saidpur, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-11-2020 The learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State were heard at length yesterday and the present case has been listed 'For Orders' today.

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The petitioner seeks regular bail in connection with Matihani P.S. Case No. 30 of 2020 for the offence punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 30.03.2020 at about 7:00 in the evening, Md. Sabir called the brother of the



informant namely Parwej at his house for Panchayati where the petitioner and two other FIR named accused persons and four unknown persons were present from before. It is further alleged that when the brother of the informant had reached at the place of occurrence, the said accused persons including the petitioner herein started assaulting the brother of the informant and then the co-accused person namely Md. Sabir, the petitioner herein and one other co-accused person fired gun shots on the person of the brother of the informant resulting in death of the brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 23.04.2020. It is further submitted that there is no eye witness to the alleged occurrence and the petitioner has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the submissions made by the learned counsel for the parties, having gone through the materials on record as also the case diary in question, I find that there is direct allegation of firing gun shots on the brother of the



informant by the petitioner and the co-accused person namely Md. Sabir resulting in death of the brother of the informant. In fact the police upon investigation has also found the allegations to be true as against the petitioner and the said co-accused person namely Md. Sabir and further ample materials are available on record so as to prima facie constitute a case against the petitioner herein for the offences alleged, hence I do not find any merit in the present petition, filed for grant of bail, especially in view of the heinous crime committed by the petitioner herein i.e. firing gun shots on the brother of the informant resulting in his death, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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