

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82867 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- PAROO District- Muzaffarpur

MD. NEZAMUDDIN @ CHHOTE MUKHYA @ MD. NEYAZUDDIN Son
of Late Abdul Qaiyum Resident of Village Jaimal Dumri, Police Station-
Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amir Alam

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioner seeks bail in a case registered under
Sections 302, 120(B)/34 of the Indian Penal Code.

Allegedly, the petitioner in cons;piracy to other accused
persons shot fire upon the brother-in-law (DEVAR) of the
informant, namely Babar as a result of which, he succumbed to
the injuries on the spot itself.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 11-06-2019. Charge sheet has already been submitted. In the FIR, the informant claims that the petitioner is one of the conspirators. Motive for the occurrence is alleged to be a land dispute between the parties. The informant happens to be Bhabhi of the deceased. She is not an eye witness of the occurrence but subsequently, in course of investigation, the other relatives of the deceased came forward and claimed themselves to be eye witnesses to the occurrence, which creates doubt upon the prosecution case. If the other family members of the deceased were eye witnesses of the occurrence, the informant being Bhabhi of the deceased had no occasion only to raise suspicion on the point of conspiracy against the petitioner. From paragraph-5 of the case diary, it is evident that prior to the institution of the FIR, inquest report was prepared. The present FIR and the statement of witnesses are created afterthought.

On behalf of the State and the informant, it is submitted that the petitioner is named in the Complaint Case/F.I.R. In paragraphs-12, 13, 14, 15 of the case diary, the witnesses have claimed to be eye witnesses of the occurrence and have alleged that the petitioner was one of the assailants. As per postmortem



report, altogether 7 wounds of entry caused by fire-arms were found on the body of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Paroo P.S. Case No. 161 of 2019 is rejected.

The trial court is directed to take all necessary steps to conclude the trial, preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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