

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27505 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- PALASI District- Araria

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Md. Muzafar @ Md. Muzaffar S/O Kalimuddin R/O Village-Kankhudia,
Ward No.01, P.S.-PALASI, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2021 Heard the parties through video conferencing.

Heard Shri Gopal Kumar Jha, learned counsel
appearing on behalf of the petitioner and Smt. Asha Devi,
learned APP appearing on behalf of the State.

Petitioner who is in custody since 25.09.2020 seeks
regular bail in connection with Palasi P.S. Case No. 47 of 2020
registered for offences punishable under Sections 302/34 of the
Indian Penal Code.

Prosecution case is that there is land dispute with the
pattidar of the family of the petitioner and in course of quarrel,
petitioner along with other co-accused persons strangled the
wife of the informant to which son of the informant Mustafa
aged about 8 years is the eye witness.

Learned counsel appearing on behalf of the petitioner



submits that there is no eye witness in the case and the petitioner is languishing in custody since 25.09.2020 for no fault.

Learned A.P.P. appearing on behalf of the State submits that the restatement of the informant in paragraph 8 and the statement of independent witness in course of investigation have supported the case and in this respect she refers to paragraph no. 9, 37, 38, 39 and 40 of the case diary as well as the post-mortem report where cause of death is asphyxia as a result of strangulation.

Considering the materials on record and gravity of the offences, I am not inclined to enlarge the petitioner on bail.

Accordingly, the bail application of the petitioner is rejected.

Considering the custody of the petitioner, the learned Trial Court is directed to conclude the trial expeditiously.

(Purnendu Singh, J)

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