

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38986 of 2021**

Arising Out of PS. Case No.-3 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Izhar Alam @ Raja @ Md Izhar Alam Son of - Mokarram Hussain @ Peshkar  
@ Md Mudarram Alam Resident of Village- Moudho Bhebara, P.S.-  
Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Ziaul Quamar  
For the Opposite Party/s : Mr.Umeshanand Pandit,APP  
Mr.Amrit Abhijat

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3. 16-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kochadhaman P.S. Case  
No. 03 of 2020, registered for the offence under Sections 365 /  
302 / 201 / 34 of the Indian Penal Code.

As per F.I.R., on 30.12.2019 at about 9:00 PM, this  
petitioner and co-accused Imran arrived at the house of the  
informant and asked his brother Santosh Kumar Choudhary to  
come alongwith them and the brother of informant accompanied  
the said accused persons. It is further alleged that the brother of  
informant did not return and upon inquiry, co-accused Dilshad  
apprised that on 31.12.2019 he had seen the deceased alongwith  
the aforesaid accused persons.

It is submitted on behalf of petitioner that informant is



not the eye-witness of the occurrence and no one has seen the actual occurrence of murder. It is further submitted that co-accused Dilshad, on whose disclosure dead-body of deceased was recovered, has already been acquitted by the learned trial court and petitioner is in custody since 12.01.2021.

However, learned counsel for the State and informant vehemently opposed the bail petition and submitted that during course of investigation, the eye-witnesses have been examined and they have stated that this petitioner alongwith other co-accused were assaulting the deceased with rod and cudgel, as a result of which, the deceased died.

Considering the nature of allegation and the materials collected during course of investigation including statement of the eye-witnesses, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

**(Prabhat Kumar Singh, J.)**

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