

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31075 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

MD. MIRAJ @ MD. MERAJ Son of Kafil Hussain @ Md. Kapil Hussain
Resident of Village- Makhadumpur, Police Station- Katihar Muffasil, District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. advocate

Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-03-2021

Heard both sides.

The petitioner seeks bail in Katihar (Muffasil) P.S. case No. 67/2020 registered u/s 302, 307, 326/34 of the IPC and u/s 27 of Arms Act.

The informant alleged that on 09.03.2020 he went to the shop of Vimal @ Mithu Sah to purchase Maida but in the meantime three unknown miscreants came on a motor cycle and made indiscriminate firing. The informant received three fire arm injuries. The accused also made indiscriminate firing causing injury to Vimal @ Mithu Sah, owner of Kirana shop. Vimal @ Mithu Sah died on the spot.

The learned counsel for the petitioner submits that petitioner is innocent and he has committed no offence. The name of petitioner for the first time disclosed by the police informer in paragraph 58 of the case diary but save and except disclosure made by the police informer no tangible material has been collected. The mobile No. 8709386284 and Yamaha Faser



motor cycle did not belong to petitioner. It is further submitted that SIM No. 8709386284 which is suspected to be used at the time of commission of crime was found to have been issued in the name of Majida Begum. Majida Begum is wife of Md. Nafil and Md. Nafil is uncle of the petitioner who is on inimical term with petitioner but it appears from perusal of paragraph 58 and 70 of case diary that SIM No. 8709386284 was recovered from the possession of the petitioner and it was found that aforesaid SIM was active in the vicinity of place of occurrence. The petitioner was apprehended and arms and ammunition were also recovered from his possession. The petitioner confessed his guilt and described all the manner of occurrence.

Taking into consideration the facts that motor cycle and mobile found in possession of the petitioner were used in the crime, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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