

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39062 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- SAKRA District- Muzaffarpur

MD. ALI Son of Md. Quiyum @ Abdul Keum Resident of Village- Majhulia
Chandanpatti, P.S. Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Sakra P.S. Case No. 560 of 2019 registered for the offences punishable under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story informant after closing his jewellery shop, he alongwith his father and brother were going towards their house. On their way to home near a graveyard one black pulsar motorcycle, on which two persons were sitting, overtook his brother's motorcycle and fired on him. His brother was hit by



two bullets and was taken to Sakra hospital but he succumbed to his injuries and died. It is further alleged that these two persons had borrowed Rs. 99,000/- from his brother (deceased), and were not returning the same.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has not been named in the F.I.R. and he has been made accused on the confessional statement of co-accused. Learned counsel submits that the petitioner has got no criminal antecedent and he is in custody since 15.12.2019.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein in course of investigation the witnesses have stated before the I.O. that this petitioner and co-accused Avinash were riding the motorcycle and it is this petitioner who was driving the motorcycle and the co-accused Avinash fired upon the deceased, the further fact appearing from the seizure list that from the possession of this petitioner one loaded pistol with two live cartridges of 7.65 mm and another pistol and one magazine have been seized, this Court is not inclined to enlarge the



petitioner on bail. Prayer for regular bail of the petitioner is thus refused.

Let the trial be expedited.

Trial court shall proceed with the trial expeditiously.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

