

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38885 of 2020**

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

MD SAHIL RAJA son of Mohammad Nur Alam @ Md. Noor @ Md. Noor
Alam Resident of Village- Makhdumpur, P.S.- Mufassil, District- Katihar
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah,Advocate
For the Opposite Party/s : Mr.Lalan Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned Counsel for the petitioner and Mr.
Lalan Kumar, learned APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 67 of 2020 instituted for
the offences under Section 302, 307, 326, 34 of the Indian Penal
Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that in the
alleged occurrence the informant received several firearm
injuries on his body while he was purchasing sweets in the shop.
The shop owner was shot dead in the said firing by the
miscreants.



The informant had received three shots on his body. It is further submitted that in course of investigation police arrested co-accused Md. Miraj @ Md. Meraj who confessed his guilt and disclosed the name of his associates. This petitioner has been named by co-accused Md. Miraj as one who had also fired.

Learned counsel, however, submits that save and except confessional statement of the co-accused in which the name of this petitioner has transpired there is no other material to connect him with the present case and he has otherwise no criminal antecedent.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there is not only a confessional statement of the co-accused, in fact at the instance of the said confessional statement of the co-accused arms and ammunition were also recovered from his possession and a sim card which was in use of the co-accused was found active in the vicinity of the place of occurrence. This fact has been noticed by the learned coordinate Bench of this Court in its order dated 03.03.2021 passed in Cr. Misc No. 31075 of 2020 by which the prayer for bail of co-accused Md. Miraj @ Md. Meraj has been rejected.



Considering the facts and circumstances of the case, the seriousness of the allegation in which the shop owner was allegedly shot dead and the informant suffered three firearm injuries, the co-accused Md. Miraj @ Md. Meraj and this petitioner both have confessed their guilt though in police custody but the confession of co-accused has led to recovery of arms and ammunition and scientific information revealed that the sim card which was being used by the co-accused was also active in the location of the place of occurrence, in the entirety of the facts and circumstances of the case this Court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

The application stands disposed of accordingly.

(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'

