

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7539 of 2021

Arising Out of PS. Case No.-366 Year-2017 Thana- ARA NAGAR District- Bhojpur

MD. NAEEM MIA @ NAIM MIYAN @ SAHTU S/O LATE AMIN MIYA
R/O VILLAGE-DARHARA, ARA, P.S.-ARA (TOWN), DISTRICT-
BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 02-12-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/120B/34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, this petitioner along with 7-8 other accused persons on four motor cycles. It is further alleged that this petitioner pushed, Krishna Kumar Singh on earth and asked co-accused persons to shoot and thereafter this petitioner and co-accused persons fired indiscriminately on the Krishna Kumar Singh, who died subsequently.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that from perusal of the FIR it would be



evident that the same has been lodged after post mortem and as such the same cannot be believed and there is every possibility of concoction in the FIR. It is further submitted that informant, who is signatory on the inquest report, did not give his Fard Bayan and even Chandan Yadav is not witness to the written report and the prosecution case has been concocted subsequently with ulterior motive to show the petitioner allegedly as instigator and assailant along with others. There is general and omnibus allegation this petitioner and no specific allegation has been made against him. Petitioner is in custody since 02.07.2019 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is specific allegation against this petitioner that he pushed the deceased and instigated other accused persons and thereafter this petitioner and other accused persons fired upon the deceased as a result of which he died and the doctor found multiple fire arm injuries on the deceased.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, since the petitioner is in custody since



02.07.2019, the trial court is directed to conclude the trial as
early as possible.

(Prabhat Kumar Singh, J)

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