

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85349 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KHAIRA District- Jamui

IBRAR, Son of Md. Aziz Mian Resident of Village - Chauki Tand, P.S.-
Kharik, Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 29-01-2021 Heard Mr. Udit Narayan Singh, learned counsel

for the petitioner and Mr. Kartik Kumar Sinha, learned

counsel for the Informant. The State is represented by

Mr. Ajit Kumar, learned APP.

The petitioner, who is in custody since
26.04.2019, seeks bail in connection with Khaira P. S.
Case No. 116 of 2019 dated 25.04.2019, instituted for
offences under Sections 147, 148, 149 and 302 of the
Indian Penal Code and Section 27 of the Arms Act,
1959.

According to the F.I.R., four persons including
the petitioner fired at the son of the informant, who



ultimately died.

The learned counsel for the petitioner has submitted that from the post-mortem report, it would appear that the stomach of the deceased was not full at the time of murder. According to the F.I.R., the deceased had left for the Hanuman temple after eating a feast. The post-mortem report therefore, it has been argued, does not support the ocular testimony of the informant.

No specific accusation, it has further been argued, has been levelled against the petitioner; rather there is a general statement that four persons including the petitioner fired at the deceased.

In the case-diary there is no eye-witness to the occurrence.

Though the informant claims himself to be an eye-witness but according to the counsel for the petitioner, he cannot be considered to be an eye-witness because of the accusation not being in consonance with



the post-mortem report.

The above arguments have been noted only to be rejected.

Since the petitioner is one of the named accused persons of this case who has resorted to firing, leading to death of the deceased, I am not inclined to grant bail to him.

The petition is dismissed.

However, looking at the fact that the petitioner is in custody since 26.04.2019, the trial court is directed to concluded the trial at the earliest, preferably within a period of one year from the date of production/receipt of a copy of this order.

(Ashutosh Kumar, J)

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