

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7505 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- AURAI District- Muzaffarpur

Md.Bashir Son of Md. Kasim Resident of Village - Naya Gaon Ushri Tola,
P.s.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Advocate
For the State	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Mazharul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Aurai P.S. Case No. 22 of 2021 registered for the offence under Sections 341, 323, 307 and 34 of the Indian Penal Code and Section 27 of the Arms and, later on, Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioner is named in the F.I.R. and is in custody since 18.04.2021.

The allegation against the petitioner is to commit murder of husband of the informant, alongwith other co-accused



persons, by causing fire arm injury.

Learned counsel appearing on behalf of the petitioner submitted that due to family partition dispute, petitioner has been falsely implicated in this case. It is further submitted that the claim of the informant to be an eye witness of the occurrence is also appearing doubtful. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that informant is the eye witness of the occurrence and there is no apparent reason to disbelieve her version. It is also submitted that during the course of investigation, several witnesses supported the occurrence and found the petitioner running away from the place, immediately, after making fire upon the deceased. It is further submitted that post mortem report clearly speaks that death of husband of the informant was caused due to fire arm injury.

In view of the facts and circumstances, as mentioned above, as the allegation of firing, causing death of husband of



the informant, is very much specific against this petitioner, where informant is the eye witness of the occurrence, this Court is not inclined to grant bail to the petitioner, for the present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

However, learned Trial Court is directed to conclude the trial within a period of nine (09) months from the date of receipt of this order, by taking the matter on board, on day to day basis, failing which, the petitioner shall be at liberty to renew his prayer for bail.

Senior Superintendent of Police, Muzaffarpur is directed to ensure the presence of chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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