

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32634 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- ALAMGANJ District- Patna

MD. RAJA Son of Md. Imtyaz Resident of Mohalla - Machua toli Alamganj,
P.S.- Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogsh Chanra Verma, Sr. Advocate Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-04-2022 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Mukesh Kumar Singh,
learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Alamganj P.S. Case No. 138/2020 registered for the offences
punishable under Sections 302, 120(b)/34 of the Indian Penal
Code 1860 and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that the brother of the informant had gone on 20.02.2020 for
treatment in the Hospital at Patna. However, on 23.2.2020 at
about 5:20 PM he got information that his brother has been
killed by firearm. The informant has raised suspicion against the
petitioner and other co-accused persons.



Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of suspicion only and he has not committed any offence in the manner alleged. He further submits that the petitioner has been dragged in this case on the basis of confessional statement of co-accused. Learned counsel referring to bail order passed by this Court in Cr. Misc. 20255 of 2021 submits that co-accused Md. Arif has been granted bail by a co-ordinate Bench of this Court. Accordingly a parity has been claimed by the petitioner. Petitioner is in custody since 14.10.2020.

On the other hand, learned counsel for the State referring to the case diary and impugned order submits that immediately after the occurrence, the statement of an independent witness was recorded in paragraph-34 of the case diary and from perusal of the same it appears that the independent eye witness has disclosed the name of the petitioner and another accused who fired upon the brother of the informant.

Regards being had to the submission made by the parties and taking into consideration the statement of an independent eye witness and the fact that the statement of the independent eye witness was not placed for consideration



before the co-ordinate Bench at the time of hearing of the bail application of the co-accused, accordingly the claim of parity of the petitioner is rejected. I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for bail of the petitioner stands rejected.

However, the trial court is directed to expedite the trial.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

