

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25269 of 2022

Arising Out of PS. Case No.-342 Year-2020 Thana- DALSINGHSARAI District- Samastipur

MD MOIEJ ALAM @ MD MOUJE ALAM @ NAUSHE Son of Md. Parwez
Alam @ Md. Prwez Alam Resident of Village - Chaknawada, P.s.-
Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2022 Heard learned counsel for the petitioner, the State
and the informant.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 341, 323, 324,
307, 302, 452, 34 of the Indian Penal Code and Section 27 of
the Arms Act, in connection with Dalsinghsarai P.S. Case No.
342 of 2020.

The prosecution story, in brief, is that the the
informant, Pramila Devi, is alleged to have given a fardbeyan
before SHO, Dalsinghsarai Police Station on 14.11.2020 at Sub-
Divisional Station on 14.11.2020 at Sub-Divisional Hospital,
Dalsinghsarai, Samastipur which was recorded and on the basis



which Dalsinghsarai P.S. Case No. 342 of 2020 has been instituted against unknown person.

(ii) It has been alleged by the prosecution that on 14.11.2021 at about 7:30 evening, the informant namely Pramila Devi with her younger sister Puja Kumari, son Asmit Kumar and daughter Kushboo Kumari, Ansu Kumari, Abhilasha Kumari were watching T.V. in her house and the mother of informant namely Ahilia Devi was sleeping after having dinner and informant's sister with her husband were in another room. In the meantime five unknown persons armed with pistol entered into the house of the informant and started assaulting them;

(iii) It has further been alleged that sister of the accused also opened fire which injured sister of informant namely Khushboo Kumari. She got injury in the abdomen and she fell down on ground and son of informant namely Asmit Kumar was also assaulted by butt of pistol who also sustained severe injury on his head;

(iv) It has further been alleged on 'hulla' raised by Rakesh Kumar, husband of Puja Kumari, other family member and villagers came there then all the miscreants fled away to ward east on the back of river. The further allegation is that all



the injured person were taken to Sub-Divisional Hospital Dalsinghsarai where mother of informant died during the course of treatment;

(v) It has further been alleged that injured Kushboo Kumari (daughter) and Asmit Kumar (son) of informant were taken to Sadar Hospital, Samastipur for better treatment where Asmit Kumar also died during his treatment.

In this case, on 5.8.2022 case diary and post-mortem report was called for and the same has been received.

Learned counsel for the petitioner submits that save and except the confessional statement of co-accused Mejar, there is nothing on record to implicate the petitioner herein.

Per contra, the learned APP, Mr. Jitendra Kumar Singh submits that as the story unfolds in the case diary, Amit who belongs to the family of the victim used to sale 'Ganja' and had a fight with member of the accused persons' gang namely Pradyuman and in retaliation the accused persons stormed the house of the family on the 'Diwali' night and resorted to firing at will and in the process the lives of two innocent people came to end.

A perusal of different paragraph of the case diary as also para-48 of the statement of the victim injured girl



Khushboo and the post-mortem report at para 60 and 61 clearly supports the prosecution story. This coupled with the fact of confessional statement of Majer, the co-accused who has narrated entire incident and paragraphs 92 and 93 in which Sanjeev Kumar and Dhanu Rai saw the present petitioner to be moving towards the river at the time of occurrence.

Considering all the aforesaid facts including killing of two innocent persons as also that he has not surrendered rather has been remanded in judicial custody from another case, this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

Ravi/Ajay Singh

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