

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25421 of 2022**

Arising Out of PS. Case No.-94 Year-2021 Thana- HABIBPUR District- Bhagalpur

Md Nisar, Son of Md. Mustaqeem Resident of Village - Kabirpur, P.s.-  
Nathnagar (Madhusudanpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                   |
|----------------------------|-----------------------------------|
| For the Petitioner/s :     | Mr. Md. Najmul Hodda, Advocate    |
| For the Opposite Party/s : | Mr. Dashrath Mehta, APP           |
| For the informant :        | Mr. Rajeev Ranjan Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      29-09-2022                      Heard learned counsel for the petitioner, the State and  
the learned counsel for the informant.

The petitioner is in judicial custody in connection  
with Habibpur P.S. Case No.94 of 2021 instituted under  
Sections 302/34 of the Indian Penal Code and Section 25(1-b)  
a / 26 / 27 of the Arms Act.

In this case, case diary was called for which has since  
been received.

As per the FIR, it is alleged that on the Friday night  
there was some dispute relating to the 'Bhatha' and the  
motorcycle for which they were sitting in a school and it is  
further alleged that as the talks were progressing the accused  
Md. Nesar and Md. Fatah Khan suddenly started assaulting  
whereafter it is alleged that both of them opened fire causing  
immediate death of the informant's son.



Considering the direct allegation against the petitioner that has come in the matter, this Court is not inclined to grant him bail, and the same is accordingly rejected.

Learned counsel for the informant submits that the Trial is already on and four witnesses have been examined, the Trial Court should take steps for expeditious completion of the Trial.

**(Rajiv Roy, J)**

Prakash Narayan /-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

