

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30742 of 2022

Arising Out of PS. Case No.-276 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Sikandar @ Sikandar @ Md. Shahansha Son of Md. Shafi Resident of
Village - Baro Quadirchak, P.s.- Phulwaria, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 276 of 2021 registered for the offences
under Sections 302, 120(B)/34 of the Indian Penal Code.

As per the allegation, the petitioner and co-accused
persons and one unknown person attacked at the informant's son
when he was asleep and caused stab injuries, owing to that
attack the victim sustained serious head injury and he died at the
spot.



The main submissions advanced by the learned counsel Mr. Md. Fahimuddin for the petitioner are that in the FIR against this petitioner there is no specific allegation and similarly situated co-accused persons namely Raunaque Khatoon, Chandra Choudhary @ Chandradeo Choudhary, Md. Humayun @ Md. Himayu @ Mohammad Humayun are on bail granted by different benches of this Court vide orders passed in Cr. Misc. No. 52565 of 2021, Cr. Misc. No.57154 of 2021 and Cr. Misc. No. 7197 of 2022 respectively and the petitioner has no criminal antecedent and has been languishing in jail since 30.09.2021 and he is facing trial separately from other co-accused persons.

Learned counsel appearing for the informant and Learned APP Mr. Harendra Prasad appearing for the State have vehemently opposed the bail prayer and submitted that as per the statements of the material witnesses recorded during the trial of co-accused persons the petitioner is alleged to be the main accused of this case as against him there is a specific allegation of stabbing the deceased and the prosecution undertakes to produce the eye witnesses concerned to the trial of this petitioner within next four months and the present case relates to the brutal murder.



Heard both the sides and perused the FIR and case record. Considering the seriousness of the occurrence which relates to murder and as per the FIR the petitioner is alleged to be a member of the attacking party and the victim was murdered by sharp cut injuries alleged to be caused by this petitioner and co-accused persons by using dagger and in view of the nature of allegation appearing against petitioner this Court is not inclined to enlarge this petitioner on bail as his case is at initial stage and all the prosecution witnesses are to be examined as per above submission. Accordingly, his bail prayer stands rejected. The prosecution as well as the informant is directed to produce the material witnesses of the prosecution before the trial Court on each and every date when the case of the petitioner is fixed for evidence.

The Trial Court is directed to expedite the trial of this petitioner and conclude it in the next six months, if the same is not concluded during the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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