

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41379 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- BHEJA District- Madhubani

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MOHAMMAD SHAMSAD @ MD SHAMSAD @ LADDAN @ SAMSAD
ALAM Son of Abdul Aziz Resident of Village- Mahpatiya, P.S.- Bheja,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Shubham

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 26-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 20.10.2020, seeks
regular bail in connection with Bheja P.S. Case No. 49 of 2020
registered for offences punishable under Section 302/34 of the
Indian Penal Code.

Allegation against the petitioner is that he along with
8 named accused persons inflicted dagger in the stomach of the
father of the informant which the informant had seen with his
own eyes as a result of which, the father of the informant
succumbed to injuries.



Learned counsel appearing on behalf of the petitioner submits that informant is not the eye witness to the alleged incidence of murder of his father. Petitioner has been made accused on mere suspicion. However, he is not able to support his case with any cogent reason that the informant was not present at the place of occurrence. He further submits that the incidence took place due to measurement and demarcation of land between the parties.

Learned counsel appearing on behalf of the informant submits that informant is the eye witness and he with his own eyes has seen the entire incidence of commission of murder by the present petitioner, who had assaulted his father with dagger in his stomach as a result of which, he succumbed to injuries. Injury is also supported by the postmortem report. Opinion of the doctor is that injury is incised caused by sharp edged weapon.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the fact that informant, who is the son of the deceased was present at the time of alleged commission of murder of his father. Eight accused persons are named in the FIR, who had surrounded the father of the informant in which



the present petitioner had assaulted his father by inflicting dagger in the stomach of his father, who succumbed to injury on the spot.

Considering the serious nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail.

The trial Court is directed to conclude the trial expeditiously.

If no substantial progress takes place in conduct of trial, the petitioner, if so advised, may renew his prayer for bail.

(Purnendu Singh, J)

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