

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41467 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- BAHADURPUR District- Patna

Md. Azhar, S/O Md. Akbal Hassan R/O Mohalla-New Azimabad, P.S.-
Bahadurpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7659 of 2022

Arising Out of PS. Case No.-205 Year-2020 Thana- BAHADURPUR District- Patna

Gulamuddin @ Gulam Mohammad @ Gulam Mohiuddin @ Aman S/o
Naushad Alam Resident of New Azimabad Colony, Sector-D, P.S.-
Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41467 of 2021)

For the Petitioner/s : Mr.Braj Kishore Singh, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 7659 of 2022)

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate

Mr. Pankaj Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-07-2022

In Cr. Misc. No.7659 of 2022

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

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of



resumption of physical filing and physical removal of defect.

During the course of argument, learned counsel appearing on behalf of the petitioner- Gulamuddin @ Gulam Mohammad @ Gulam Mohiuddin @ Aman submits that since the order of rejection has been passed by the Children Court, a revision would lie in the case, as such, he seeks permission to withdraw this application with a liberty to file revision petition in the matter.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with the aforesaid liberty granted to the petitioner.

In Cr. Misc. No.41467 of 2021

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bahadurpur P.S. Case No. 205 of 2020 registered for the alleged offences under Sections 302, 120 (B), 379 and 34 of the Indian Penal Code.

The prosecution case is that the co-accused persons



slit the throat of son of the informant and threw the dead body on the road. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been falsely implicated in this case on the basis of so-called confessional statement of co-accused Gulamuddin. Learned counsel further submits that no objectionable article has been recovered from the possession of the petitioner and there is no direct or indirect evidence against him. The other named co-accused have been granted bail by the learned court below itself. Learned counsel further submits that the petitioner is in custody since 15.12.2020 without any substantive material against him.

Learned APP opposes the prayer for bail of the petitioner submitting that it is a case of circumstantial evidence and chain of circumstances is complete. The co-accused Gulamuudin named this petitioner and, thereafter, at the instance of this petitioner, a knife used in slitting the throat of the son of the informant was recovered from outside the house of the petitioner. Learned APP further submits that this petitioner is an accused of slitting the throat of son of the informant. It is not a case of petitioner being made accused on simple confessional



statement and there has been recovery related with the occurrence on the basis of statement of this petitioner.

Perused the records.

Having regard to the rival submissions of the parties and considering the fact that the name of the petitioner transpired during investigation and at the instance of this petitioner, the weapon used in murder has been recovered, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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