

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32140 of 2022

Arising Out of PS. Case No.-30 Year-2020 Thana- MATIHANI District- Begusarai

MD. SAKIR @ RAJA Son of Md. Sabir @ Mohammad Sabir Resident of
Village - Saidpur, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-08-2022 The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Matihani P.S. Case No. 30 of 2020 under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 24.11.2020 passed in Criminal Miscellaneous No. 25572 of 2020.

The case of the prosecution in brief is that on 30.03.2020 at about 7:00 in the evening, Md. Sabir called the brother of the informant namely Parwej at his house for Panchayati where the



petitioner and two other FIR named accused persons and four unknown persons were present from before. It is further alleged that when the brother of the informant had reached at the place of occurrence, the said accused persons including the petitioner herein started assaulting the brother of the informant and then the co-accused person namely Md. Sabir, the petitioner herein and one other co-accused person fired gun shots on the person of the brother of the informant resulting in death of the brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 23.4.2020, however, there is no substantial progress in the ongoing trial, hence, the petitioner be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record from which I find that there is direct allegation of firing gunshots on the brother of the informant by



the petitioner herein as also by the co-accused person, namely, Md. Sabir, resulting in death of the brother of the informant and the said allegation has also been found to be true by the police upon investigation qua the petitioner and the said co-accused person, namely, Md. Sabir. This Court further finds that the case of the petitioner for grant of bail was rejected earlier by this Court vide order dated 24.11.2020 by a detailed order after going through the case dairy, hence, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, especially in view of the heinous crime committed by the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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