

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37762 of 2022

Arising Out of PS. Case No.-450 Year-2014 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Amzad @ Amzad Ali @ Amzad Mia, Son of Late Chand Kausar
Resident of Mohalla - Mauazzamchak Badre Alampur, P.S.- Habibpur,
District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

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

The petitioner is in judicial custody in connection
with S.T. No.273 of 2022 arising out of Kotwali (Tilkamanjhi)
P.S. Case No.450 of 2014 instituted under Sections 324, 307 &
34 of the IPC and 27 of the Arms Act.

As per the FIR, alleged therein that on 14.07.2014
after completing his work at about 05:00 P.M. he along with
Sahid Khan and Md. Bela reached near Badi Post Office at
M.G. Road on his motorcycle, then a
motorcycle came from behind with two riders who fired bullet,
which hit at right side shoulder of Md. Shahid. When informant



saw behind, he could identify the pillion rider as Md. Tinku although the driver of said motorcycle was unknown to him. Thereafter, informant left the motorcycle at the place and both Md. Shahid & Md. Belal started running. However, two motorcycles with three-three riders also came from opposite directions and one rider was identified by informant as Md. Amjad (Pefitioner), having firearm and asked to fire on him. Thereafter, the all above said accused started firing upon him. The informant fled towards Mount Assissi School whereas Md. Sahid Khan collapsed due to firearm injury. In the meantime, Kotwali police (Tilkamanjhi) came at the place and on seeing the police the all above said accused persons fled away. The informant reached near Md. Shahid Khan who was lying injured. He was brought to the Mayaganj Hospital by the police for treatment. It is further alleged that the reason of occurrence is land dispute between the parties. Accordingly, the FIR was lodged.

The FIR was lodged in 2014 and it was only in 2022 that the petitioner chose to walk into judicial custody, thus hampering the trial of the case for eight long years.

Taking into account the aforesaid act of the petitioner coupled with the fact that he do have criminal antecedent, this



Court is not inclined to grant him any relief and the bail application is accordingly rejected.

Considering the fact that the case is of 2014, the Trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Rajiv Roy, J)

Prakash Narayan /-

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