

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37655 of 2022

Arising Out of PS. Case No.-631 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Zain Raza Son of Ahmad Hussain Resident of village - Razabari, P.S.- K. Hat
(Sahayak), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned senior counsel along with Praveen
Kumar Aggarwal, Advocate and learned counsel for the
informant as well as learned A.P.P. for the State.

The petitioner seeks regular bail in connection with K.
Har (Sahayak) P.S. Case No. 631 of 2021 lodged under Sections
147, 148, 149, 447, 341, 307, 387, 506 of the I.P.C. 27 of Arms
Act.

As per the prosecution case, the informant has
disclosed that he is a resident of Hazratganj, Purnia district. It
has been stated that 4 named accused persons came to
informant's plot and started threatening to either leave the land
or pay Rs. 20 lakh as ransom. It has been alleged that on

13.07.2021 at about 10 am, the said accused persons reached at the said plot with arms and flashed their arms on plot. It has been alleged against the accused Saddam that he has threatened for more payment of ransom and also threatened to leave the plot. In the meantime, the petitioner fired upon the informant's son, in his stomach. It has been stated that there were total 6 round of firing, in which 3 injuries took place on the informant's son in his chest, hand and stomach.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that it is a case of primarily of Section 307 of I.P.C. He further submits that petitioner is in custody since 22.11.2021 having 9 criminal cases pending against him, out of which in 8 cases, he is on bail and in 1 case, he is persuading for bail. He also submits that charge sheet has already been filed in this case. Upon specific query whether charge has been framed or not, learned counsel submits that he is not in a position to intimate that whether charge has framed or not to the Court.

Learned counsel for the State opposes the prayer for bail and submits that there are 9 criminal cases pending against the petitioner and all cases are of similar nature.

Learned counsel for the informant vehemently

opposes the prayer for bail. He submits that from the content of the F.I.R. as well as from the case diary it transpires that it is the accused persons including petitioner who reached at the plot of the informant, to threaten him to either pay ransom of Rs. 20 lakh or to leave the said land. Learned counsel further submits that there is specific allegation against the present petitioner of firing at the informant's son due to which the injury took place in the stomach. He submits that the other co-accused Saddam has also fired and his bail application has been rejected by the Co-ordinate Bench of this Court vide order dated 22.07.2022 in Cr. Misc. No. 17564 of 2022.

Progress report has been called for in this case, and from the progress report it transpires that the case record is likely to be committed on the next dates.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and his bail application is hereby **rejected**.

Trial Court is directed to expedite the trial 9 months after framing of charge.

(Dr. Anshuman, J.)

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