

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52911 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- BANGARA District- Samastipur

MD. AJAJ @ MD. EZAZ @ AYJAJ Son of Md. Mohid @ Niras Resident of
Village - Rahimabad, P.S.- N. H. Bangra, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, two accused persons each on two motorcycles are stated to have come of whom the informant identified Md. Rahmat and Md. Ajaj (petitioner). It is further stated that the petitioner fired on which the son of the informant started to raise hulla and on the informant and others reaching the place of occurrence they found the informant's son to have fallen on the ground having sustained gun shot injury.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From the contents of the FIR together with the material that has



transpired in course of investigation, there is no eye witness to the occurrence as the informant himself states that he first heard the sound of firing and then went towards the place of occurrence. Further it has transpired in course of investigation that it was both Rahmat and Ajaj who fired and the informant was having enmity with the aforesaid Rahmat. The petitioner is in custody since 15.4.2021 and the case of the petitioner stands on a similar footing to that of co-accused Md. Rahmat who has been enlarged on bail vide order dated 13.8.2021 passed in Cr. Misc. no. 30184 of 2021.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record it transpires that there is direct allegation solely against this petitioner in the FIR of having fired as a result of which the son of the informant sustained gun shot injury. The postmortem report further confirms the cause of death to be shock and haemorrhage secondary to gun shot injury to the chest. Further this Court while granting bail to Md. Rahmat vide its order dated 13.8.2021 (Annexure-3) has taken note of the submission made on behalf of the petitioner therein that in the FIR the allegation of firing is against Md. Ajaz (the petitioner herein) and Md.



Rahmat is alleged to be driving the motorcycle and that there is no allegation against Md. Rahmat of firing or having assaulted the deceased.

The Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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