

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54027 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- HABIBPUR District- Bhagalpur

Md. Afser Son of Md. Abbas Resident of Village - Khilafatnagar, P.S.-
Habibpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 324, 302 and 34 of the
Indian Penal Code.

According to prosecution case, the informant in her
statement stated that on 26.02.2021 Md. Afsar, who is a
neighbor was used to threaten her husband to kill and her and
ultimately the accused Md. Afsar killed her husband by knife
with the help of other accused persons.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. and there is no eye witness has supported the case except the family member of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Abbas has been granted bail by a co-ordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 45043 of 2021. The petitioner is in custody since 27.02.2021.

The learned counsel for the Informant as well as learned A.P.P. have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner and petitioner carries one criminal antecedent other than the present one.

Vide order dated 05.04.2022 a report was called for with regard to the present stage of trial. Report reveals that out of eight charge sheeted witnesses four charge sheeted witnesses have been examined and the case is running for prosecution evidence.



Considering the aforesaid facts, I am not inclined to
enlarge the petitioner on bail in connection with Habibpur P.S.
Case No. 33 of 2021 pending in the court of learned Additional
Chief Judicial Magistrate-IX, Bhagalpur.

Prayer is refused.

However, the learned Trial Court is directed to
expedite the trial.

(Rajesh Kumar Verma, J)

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