

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44460 of 2022**

Arising Out of PS. Case No.-863 Year-2021 Thana- FORBESGANJ District- Araria

Md. Dilshad S/O Late Wajul Ansari Resident of village- Pokharbasti, Ward
No- 15, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate
For the State : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-12-2022 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Forbesganj
P.S. Case No.863 of 2021 registered for the offence under
Sections 341, 323, 324, 506, 504, and 34 of the Indian Penal
Code and, later on, Section 302 of the Indian Penal Code was
added subsequently.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.04.2022.

The allegation against the petitioner is to commit
murder of the son of the informant, who is none, but his own
brother due to property related disputes.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner has been falsely



implicated, due to admitted property dispute in the present case. It is also pointed out that, it is further submitted that informant furnished an affidavit before learned Chief Judicial Magistrate, Araria, stating thereof that information as regard to occurrence was given under wrong impression as death of her son was caused due to accidental falling on the ground, as he was differently abled person, not mentally fit. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail submitted that allegation of fatal assault is available against this petitioner, where affidavit, taking 'u' turn from allegation as set out through F.I.R, which is Annexure-3 of present bail petition, is nothing but an afterthought to save petitioner, who is none but another son of the informant.

In view of the facts and circumstances as mentioned above as allegation of fatal assault is specific against this petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is



rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, withing a period of 6 months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required, failing which petitioner may renew the prayer for bail, if so advised.

The Superintendent of Police, Araria is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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