

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59892 of 2021

Arising Out of PS. Case No.-265 Year-2021 Thana- KISHANGANJ District- Kishanganj

1. Md. Rafique Alam @ Rafique Alam, Son of Abdul Kalam, Resident of Village - Chweni (Choundi), P.S. - Kishanganj, District - Kishanganj.
2. Zafir Alam, Son of Abdul Kalam, Resident of Village - Chweni (Choundi), P.S. - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 04-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kishanganj P.S. Case No. 265 of 2021 registered for the alleged offences under Sections 341, 342, 323, 324, 307, 302/34 of the Indian Penal Code.

The prosecution case is that the petitioners along with other co-accused persons assaulted the informant and her family members resulting in death of the father and brother of the



informant.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to land dispute which is apparent from the FIR. The specific allegation of assault is against the co-accused Abdul Kalam, who is said to have hit on the head of the brother of the informant. In fact, on the alleged date of occurrence, the informant's side attacked the petitioners' side and other co-accused persons causing them injuries and Kishanganj P.S. Case No. 293 of 2021 was registered for the said occurrence. Learned counsel further submits that the petitioners are in custody since 14.06.2021 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that due to assault of the petitioners and other co-accused persons, two persons have died.

Perused record.

Having regard to the facts and circumstances of the case and especially considering the fact that though the allegations are non-specific against the petitioners, but two persons have died in the assault in which the petitioners are active participants, I am not inclined to enlarge the petitioners on bail.



Accordingly, his prayer for bail is rejected.

Learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

However, if trial is not concluded within one year, the petitioners may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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