

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60502 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- UCHKAGAON District- Gopalganj

Mohammad Hussain Son of Mohammad Khurshid @ Khurshid Alam
Resident of Village - Indarwa, P.S. - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63015 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- UCHKAGAON District- Gopalganj

Jawed Alam @ Jawed Akhtar Son of Chand Mian Resident of Village-
Pathara, P.S.- Manjhagargh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60502 of 2021)

For the Petitioner/s	:	Mr. Ashish Giri, Advocate
		Mr. Md. Obaidullah, Advocate
For the Opposite Party/s :		Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Arun Kumar, Advocate
		Mr. Harendra Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 63015 of 2021)

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s :		Mr. Pranav Kumar, APP
For the Informant	:	Mr. Arun Kumar, Advocate
		Mr. Harendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 01-09-2022 Learned counsel for the petitioners are permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard learned senior counsel/counsel for the



petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Uchkagaon P.S. Case No. 207 of 2021 registered for the offences under Sections 302/120B, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written complaint filed by the informant alleging, inter alia, therein that on 28.06.2021, at about 6.00 PM, co-accused Javed Aslam, Md. Hussain, MD. Mahmood Alam came to the door of the informant and took away his son, Parwez Kujjar. At about 8.15 P.M., the informant got an information that his son Parwez sustained gun shot injury and he was taken to hospital, upon the said information the informant rushed to the hospital, however, his son died during the course of treatment. The informant alleged that the F.I.R. named accused persons by hatching conspiracy took away his son from his house and killed him.

Learned senior counsel/counsel appearing on behalf of the petitioners submit that save and except the allegation that the petitioners came to the house of the informant and took away his son Parwez Alam, there is no other material showing the complicity of the petitioners. They further submit that it is



not a case of last seen, rather during the course of investigation it has come that the petitioners being the friend of the deceased gone to market and thereafter they met to several persons, who were present there and moreover in course of investigation it has also come that co-accused Ashad Numani @ Tiger is the assailant and this fact has also been corroborated by the statement of the witnesses, whose depositions have also been recorded during the course of trial. It is next submitted that other co-accused person named in the F.I.R., having allegation of hatching conspiracy in causing murder of the deceased, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 57567 of 2021 vide order dated 02.03.2022. They further submit that even during the course of trial, the charge-sheet witnesses, who are claiming themselves to be the eye witness to the alleged occurrence, they have not stated against the petitioners and as all the charge-sheet witnesses, except the official witnesses, have already been examined, there is no question of tampering of the evidence or intimidating the witnesses. Further the petitioners are in custody since 01.07.2021, having fair antecedent.

On the other hand, learned counsel for the informant vehemently opposes the bail applications and submits that



during the course of investigation co-accused Jawed Akhtar was apprehended and his confessional statement was recorded, who categorically stated as to how a conspiracy was hatched for committing murder of the deceased and he has specifically taken the name of the petitioners about their involvement in the present crime.

Learned counsel for the State while opposing the bail application submits that the trial is at the fag end and it is likely to be concluded within two months and the release of the petitioners would cause delay in disposal of the trial. He further submits that the case of the petitioners are different to that of co-accused Ekram @ Ekramul Haque, as he was said to be the conspirator, though the petitioners are the persons, who had taken away the son of the informant and soon thereafter he was shot at by the co-accused persons.

Having heard the submissions of the parties and taking into consideration the nature of accusation and the materials available on record, as also the fact that the trial is at the fag end and the same is likely to be concluded within a period of two months, this Court is not persuaded to enlarge the petitioners on bail, for the present.

However, it is expected that the learned trial court will



take all necessary measures to conclude the trial preferably within a period of two months from the date of receipt of the order.

The office is directed to communicate this order to the Superintendent of Police, Gopalganj, who will render all his assistance in production of the witnesses.

Accordingly, both the bail applications stand dismissed.

(Harish Kumar, J)

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