

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69397 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- MAHKAR District- Gaya

Md Tajuddin @ Tajuddin, S/o- Md. Murtaza, R/o Village- Neyamatpur, P.S.- Mahkar, District- Gaya and at present residing at House No.1365, Flat No.202, Second Floor, A wing Ashiyana Apartment, Freeda Bag Nadi Naka Bhibandi, Thane, Maharastra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Mahkar P.S. Case No. 76 of 2020 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons assaulted the father of the informant with knives who succumbed to his injuries.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are agnates and there has been land dispute between them. Panchayati was also held but the deceased did not appear in the Panchayati. Learned counsel further submits that there is no specific allegation against this petitioner. The father of the informant was himself a bad character and in one such quarrel with bad elements, they threatened to kill him and in fact he was killed by unknown criminal of locality. The petitioner was living at Maharashtra and on the date and time of occurrence, he was not even at his home. Learned counsel further submits that the petitioner is suffering from a number of diseases. It has further been submitted that similarly placed co-accused has been granted bail vide order dated 22.10.2021 passed in Cr. Misc. No. 40997 of 2021 by a Co-ordinate Bench of this Court. The case of the petitioner is similarly situated and he is in custody since 01.03.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that witnesses in paragraphs 6, 7 and 9 of the case diary have stated that this petitioner gave knife blow to the deceased.

Perused the records.

Having regard to the submissions made on behalf of



the parties and considering the fact that the petitioner has been named as a person who gave knife blows to the deceased which proved fatal and considering the seriousness of allegation against this petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same within a period of one year.

If the trial is not concluded within a period of one year, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

Rajnish/-

U		T	
---	--	---	--

