

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10857 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- SHASTRINAGAR District- Patna

MD. SAHIL @ MD. SHAHID Son of Late Pappu Khan Resident of Mohalla
- Raja Bazar, Samanpura, P.S.- Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate
For the Informant	:	Mr. Sanjeev Kumar, Advocate
		Ms. Dewanti Kumari, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.07.2022 in connection with S.Tr. No.1383 of 2022, arising
out of Shastri Nagar P.S. Case No. 414 of 2022, F.I.R. dated
13.07.2022 for the offences punishable under Sections 302/34
of the Indian Penal Code.

According to prosecution case, the petitioner and the
co-accused persons along with 3-4 unknown miscreants are
alleged to have inflicted blows of knife on the informant's
brother due to petty dispute. When the injured was brought to
Hospital for treatment, he was declared dead.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner has been implicated in the false and fabricated case and except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Md. Raju Alias @ Md. Raju @ Md. Atteque Khan has been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 19705 of 2023.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of the petitioner, Hawai Chappal and knife which was used in the crime in question has been recovered and co-accused, namely, Md. Raju Alias @ Md. Raju @ Md. Atteque Khan has been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 19705 of 2023 it appears that the name of the



witnesses as mentioned in the order sheet is not anywhere in the case diary. They further submit that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

Vide order dated 12.07.2023 a report was called for with regard to the present stage of trial. Report dated 20.07.2023 of the learned trial court reveals that out of seven charge sheet witnesses, one witness has been examined as yet.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.Tr. No.1383 of 2022, arising out of Shastri Nagar P.S. Case No. 414 of 2022 pending in the court of learned Additional Sessions Judge-XI, Patna.

Prayer is refused.

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

(Rajesh Kumar Verma, J)

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