

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20372 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- RANIGANJ District- Araria

MD. FIROZ Son of Late Md. Khalil Resident of Village - Hasanpur Ansari
Tola, Ward No.- 16, P.S.- Raniganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with S.Tr. No. 73 of 2022 arising out of Raniganj P.S.Case No. 321 of 2021, registered for the offence punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that his younger brother was married with Shakila Khatoon, 10 years back and subsequently, upon being pressurized by the said Shakila Khatoon, the deceased had started residing at his in-laws'



house at Dumar where the said lady had developed illicit relationship with the petitioner and they, in connivance with each other, had killed the younger brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 1.11.2021. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and one another co-accused person, namely, Md. Kausar, has already been granted bail by a coordinate Bench of this Court, vide order dated 27.7.2022, passed in Criminal Miscellaneous No. 23119 of 2022.

Per contra, the learned APP for the State has submitted, by referring to the case diary and the supervision note that ample materials are available in the case diary to connect the petitioner with the alleged occurrence. It is also submitted that upon the petitioner having made



disclosure, in his confessional statement, regarding the location of the rope, used for strangulating the deceased, the rope was recovered from the said place. It is also submitted that the postmortem report also shows that the deceased has died on account of asphyxia, as a result of strangulation.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that ample materials are available on record to suggest the complicity of the petitioner in the alleged crime, apart from the fact that upon him having disclosed the location of the rope, used for strangulating the deceased, the rope was recovered, hence, I am not inclined to grant bail to the petitioner herein, thus the present petition stands dismissed.

It may be relevant to mention here that the



order dated 27.7.2022, passed by a coordinate Bench of this Court, is distinguishable in the facts and circumstances of the present case, inasmuch as the same has been passed without consideration of the materials available in the case diary and moreover, the said accused was not named in the FIR while the petitioner is a FIR named accused.

(Mohit Kumar Shah, J)

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