

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21057 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- GOH District- Aurangabad

MD. ARMAN ALAM @ MD. ARMAN Son of Late Md. Mahfooz Alam
Resident of Village - Muslimabad, P.S.- Haspura, District - Aurangabad
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Goh P.S. Case No. 227 of 2021 instituted for the offence under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per allegation in the FIR, when the informant got
information that his son Zubair Alam has been laying in injured
condition under the bridge of Rafiganj Road, whereupon he
reached there and found his son was brought by some people
where doctor declared him as died. It is further alleged by the
informant that his son was shot dead by fire arm and the murder
was committed by unknown miscreants.



Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case on the basis of mere presumption. Neither the petitioner is named in F.I.R. nor he was arrested on the spot. The alleged confession of the petitioner before the police while he was in custody, has got no evidentiary value in the eye of law. The petitioner is languishing in judicial custody since 1.12.2021.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the cause of death of the deceased is due to firearm and at the instance of accused petitioner, a country made pistol was recovered on a pile of garbage under the bridge which is mentioned in para 80 of Case Diary. As a result of microscopic comparison of the test fired shell SC(D) and fired shell 'E' to each-other, the firing pin and breech face marks on the prosecution cap of fired shell 'E' is found similar to those on the test fired shell SC(D), indicating that the fired shell 'E' had been fired by the recovered country made pistol and this fact is also corroborated from FSL Report. It is further submitted that CDR and witnesses have also supported the prosecution and shows direct involvement of the



petitioner in this offence.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same within period of 6 months.

(Sunil Kumar Panwar, J)

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