

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24277 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

1. MD. NASIR @ MD. NASIR RAZA S/O SAMI AHMAD @ SHAMI AHMAD Resident of Village- Lotiya Tarabari, P.S.- Baisi, District- Purnea.
2. MD. FAKIRA @ FAQIRA S/O MD. NAJAM @ DOMI @ NAJAM Resident of Village- Lotiya Tarabari, P.S.- Baisi, District- Purnea.
3. MD. NASIM S/O MD. ISLAM Resident of Village- Lotiya Tarabari, P.S.- Baisi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 07-07-2023 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Mr. Narsingh Tanti, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Baisi PS Case No. 265/2022 registered on 29.06.2022 for the offence punishable under Sections 302/120(B)/379/34 of the IPC.

3. As per prosecution case, it is a case of double murder. FIR named accused persons assaulted the deceased by various weapons under the conspiracy hatched by accused persons. Name of the petitioners has transpired on the basis of confessional statement.

4. Learned counsel for the petitioners submits that the petitioners are not named in the FIR and their names have surfaced on the basis of confessional statement of co-accused,



Zafar.

5. I have heard learned counsel for the parties and perused the material on record and the impugned order.

6. From perusal of the impugned order, it transpires that during course of investigation on the basis of confessional statement of co-accused, Zafar and Zaki Ahmad, the learned Sessions Judge arrived at the conclusion that these petitioners have played active part in the alleged crime. He has referred paragraphs 42 and 43 of the original case diary and has rejected the bail application on the basis of the fact that this is a double murder case, various types of weapons have been used and the crime is serious in nature.

7. Accordingly, I do not find any reason to differ with the findings inasmuch as the case is under investigation wherein the custodial interrogation of the petitioners may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the petitioners. The same is, hereby dismissed.

(Anil Kumar Sinha, J)

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