

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35187 of 2023

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

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MD RAFI @ MD RAFIK SON OF IFTIKAR RESIDENT OF VILLAGE-
DHARHARA, PS- ARA TOWN, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Aakash Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2023 Heard the parties.

2. The petitioner is in custody in connection with Ara Town P.S. Case No. 948 of 2022 for the offence under sections 302, 120(B), 34 of the Indian Penal Code and 25(1-b)a, 26, 35 of Arms Act lodged on 01.11.2022 by the informant, Mahendra Prasad Singh.

3. As per the prosecution story, the allegation is that informant's son, Vicky @ Shashikant was shot dead by three unknown accused persons near village Danapura on the road and the informant has suspicion that his killing has to do with the business rivalry. Accordingly, the FIR.

4. Subsequently, one Md. Akhtar was taken into custody, his motorcycle used in the occurrence was seized and



he made confession in which he named one Md. Munna and this petitioner, Md. Rafi @ Md. Rafik to be the two persons who killed Vicky.

5. In his confessional statement, he stated that his motorcycle was taken by the accused persons and after the occurrence, parked it in the Hospital and before he could go and get his motorcycle back, it was seized by the Police.

6. Learned counsel for the petitioner submits that the confession before the Police has no meaning. Number of other accused persons who were picked up by the Police have one after another been granted bail and as such, this petitioner also deserves the same relief.

7. Learned counsel for the informant, on the other hand, submits that this is not a normal confession and/or under coercion. The fact remains that the motorcycle in the name of the Md. Akhtar was used in the occurrence, subsequently, the accused persons parked it in the Hospital, the Police seized it and only after that his implication came into light.

8. It is his further submission that so far as the other accused persons have been granted bail, it is not the prosecution story that they were involved in the murder rather specific allegation is against Munna and this petitioner of having killed



Vicky.

9. It is his further submission that the said Md. Akhtar is in custody and had moved this Court in Cr. Misc. No. 21795 of 2023 which came to be rejected by a co-ordinate Bench on 22.05.2023.

10. Having gone through the facts on record, the case diary, the submissions put forward by the learned counsel for the parties, this Court is prima facie satisfied that the petitioner is one of the person behind the alleged killing of the victim. In that background, no relief can be granted to the petitioner.

11. The bail application stands rejected.

(Rajiv Roy, J)

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