

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41952 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- NAURANGIA District- West Champaran

Md. Rijvan @ Kaifi @ Fahim Son Of Mohammad Aslam @ Md. Aslam
Resident Of Mohalla - M. M. Colony, P.S.- Sarai O.P., District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 16-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Naurangia P.S. Case No. 09 of 2021 registered under sections 302 and 34 of the Indian Penal Code and Sections 25(1-b)A, 26, 27 and 35 of the Arms Act.

Allegation against the co-accused persons along with this petitioner is that they opened fire upon the informant's husband, namely, Dayanand Verma, due to which he shot dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to local politics. The petitioner is not named in F.I.R. He has no concern with the



alleged occurrence. There is inordinate delay in lodging the F.I.R. In fact, deceased was also of criminal mentality as two of his associates were killed in police encounter. The informant is not the eye witness of the alleged occurrence. Allegedly, as per F.I.R., the deceased received gun shot injury near his ear whereas the postmortem report shows that the deceased sustained firearm injury on his neck. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. It is further submitted other co-accused persons, named in F.I.R, have already been granted bail by the different co-ordinate Bench of this Court. He is languishing in judicial custody since 31.03.2021.

By way of filing supplementary, it is submitted by learned counsel for the petitioner that in para 3, it is stated that during investigation, name of the petitioner has transpired in statement of some witnesses including Md. Poshak in which they have stated that petitioner allegedly fired upon the deceased but from para 5 of the supplementary affidavit, it is mentioned that some of the witnesses including Md. Poshak were examined during course of trial but they have retracted from their earlier statement to which they have given it before I.O. u/s 161 Cr.P.C. about firing made by the petitioner. The



aforesaid witnesses have not supported the case of the prosecution against the petitioner and they were declared hostile.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Naurangia P.S. Case No. 09 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned concerned Court.

(Sunil Kumar Panwar, J)

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