

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48432 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- LACHHUAR District- Jamui

MD. SIKANDAR Son Of Late Md. Julfkar @ Kako Mian, Resident Of
Village And P.O.- Markama, P.S.- Lachhuar, District- Jamui, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Sharma, Adv.
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Informant/s	:	Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. At the outset, it is submitted by learned counsel for the informant that *Vakalatnama* on behalf of the informant authorizing him to conduct the case on his behalf, has been filed online and permission is required to file its hard copy.
3. Permission is granted. Let the original *Vakalatnama* of the informant filed before this Court be kept on record.
4. Petitioner seeks regular bail in connection with Lachhuar P.S. Case No. 02 of 2021, dated 04.12.2021 registered for the offence(s) punishable under Section(s) 341, 323, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.



5. As per the prosecution, the informant alleged that this petitioner along with his accomplice came at the alleged place and opened fire at informant's father which hit him at his chest and later the victim succumbed to his injuries.

6. The main submissions advanced by petitioner's counsel are that the co-accused Md. Javed @ Md. Jabid has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 26692 of 2022 and at the relevant time of commission of the alleged occurrence, petitioner's phone's location was three kilometers away from the place of occurrence and against the petitioner, investigation has been completed and he has been languishing in jail since 23.12.2022.

7. Learned counsel appearing for the informant has vehemently opposed the prayer for bail and submitted that there is serious allegation against this petitioner and prayer for regular bail of one co-accused namely, Md. Salik @ Md. Salik Mullick has been rejected by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.44207 of 2022.

8. Heard both the sides and perused the FIR. The petitioner is named in the FIR and the informant is stated to be the eye-witness of the alleged occurrence and he himself claimed to have seen the commission of the alleged occurrence



of murder as well as presence of co-accused persons at the place of occurrence and as per allegation levelled by him in the FIR, the accused persons including the petitioner attacked at the informant's father in a planned manner and opened fire at him and there is specific allegation of firing against this petitioner and a *panchayat* election in which the deceased had won is stated to be the genesis of the occurrence and as per the informant, just after the result of the said election co-accused Md. Salik @ Md. Salik Mullick had threatened the victim to face dire consequences. Considering the nature of allegation appearing against this petitioner, this Court is not inclined to accept his prayer for bail. Accordingly, petitioner's prayer for bail stands rejected.

9. The trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next eighteen months, if petitioner's trial is not concluded within the said period then he may renew his prayer for bail.

(Shailendra Singh, J.)

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