

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54792 of 2023**

Arising Out of PS. Case No.-759 Year-2022 Thana- KATIHAR NAGAR
District- Katihar

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MD. MAZHAR ALI @ KHUSBU @ MAZHAR ALI@MD. MAJHAR @
KHUSHBOO SON OF MD. AYUB RESIDENT OF NAYA TOLA, DIGHHI, P.S. -
MUFFASIL, DISTRICT - KATIHAR. PRESENTLY RESIDING AT BHAGWAN
CHOWK, P.S. - TOWN, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard Mr. Rakesh Kumar Sharma, learned counsel

for the petitioner and Mr. Madhuri Lata, learned A.P.P. for the

State.

The petitioner seeks bail in connection with

Session Trial No. 126 of 2023 arising out of Katihar Nagar

P.S. Case No. 759 of 2022 dated 16.11.2022 registered for the

offence under Sections 302/ of the Indian Penal Code and

Section 27 of the Arms Act.

The petitioner is alleged to have fired upon the son

of the informant causing head injury due to which he fell

down and blood started oozing from his head as a result of

which he died during course of treatment.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 15.11.2022 whereas the instant F.I.R. has been lodged on 16.11.2023 after one day without any explanation. The petitioner is rotting in judicial custody since 17.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner that he has opened fire upon the son of the informant which hit upon his head resulting into his death during course of treatment. He further submits that the postmortem report also corroborate with the allegation as leveled in the F.I.R. against the petitioner. He further submits that the several witnesses whose statements have been recorded at paragraph Nos. 12,15,16, 17 and 18 of the case diary, have supported the prosecution version.

Considering the direct allegation of firing gun shot on the head of the informant's son against the petitioner



causing his death during course of treatment, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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