

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62955 of 2022**

Arising Out of PS. Case No.-657 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. SAMS RAJA @ SAMS RAJA Son of Md. Shis Alam Resident of At-
Lalganj, P.S- Maranga, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.05.2022 in connection with Sadar (Mufassil) P.S. Case No.
657 of 2021, F.I.R. dated 06.12.2021 for the offences punishable
under Sections 302, 201 of the Indian Penal Code.

Allegation against the petitioner is that he has
assaulted the deceased and the deceased has died on the spot.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is not named in the F.I.R. and the name of the petitioner has
been transpired on the basis of confessional statement of co-
accused namely, Chand Alam. He further submits that there is



no eye witness of the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chand Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 03.02.2023 passed in Cr. Misc. No. 57286 of 2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that it has come during investigation and in para 219 of the case diary that the petitioner has assaulted the deceased and the deceased has died on the spot.

Considering the aforesaid facts and there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Sadar (Mufassil) P.S. Case No. 657 of 2021 pending in the court of learned Chief Judicial Magistrate, Purnea.

Prayer is refused.

(Rajesh Kumar Verma, J)

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