

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66721 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- BARHARA KOTHI District- Purnia

MD. NAJAM @ MD. NIJAM S/O MD. RAHMAN Resident of Village-
Mouzam Patti, P.S.- Barhara (Raghubansh Nagar O.P.), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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

3 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barhara (Raghubansh Nagar) P.S. Case No. 27 of 2021 dated 26.07.2021 registered for the offence under Sections 302, 436, 379, 506, 427 and 34 of the Indian Penal Code.

The petitioner along with his associates are alleged to have burnt the deceased, Pappu Singh @ Rajjan Singh, who used to look after the brick kiln of the informant. It is also alleged that the F.I.R. named accused persons earlier committed murder of father-in-law of the informant and assaulted the brother-in-law of the informant.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence. Neither any specific allegation of assault is attributed to the petitioner rather general and omnibus allegation is leveled against the petitioner in the F.I.R. He further submits that the petitioner has been made accused in this case on the basis of previous enmity with the informant. The petitioner is rotting in judicial custody since 01.08.2022.

Learned A.P.P. for the State, on the other hand, on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during course of investigation that the petitioner was present at the place of occurrence, which is evident from paragraph-76 of the case diary. He further submits that the postmortem report as well as F.S.L. report also support the allegation as alleged in the F.I.R. He further submits that the petitioner along with others have actively participated in the commission of murder of the deceased after setting him on fire.

Considering the facts and circumstances of the case



and also gruesome offence of murder, 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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