

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70059 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- JAYNAGAR District- Madhubani

MD. SAJJAD @ MD. SAHJAD SON OF MD. ILIYAS R/O VILLAGE-
MILCHOWK, USRAHI, WARD NO.02, P.S.- DEODHA, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Jainagar P.S. Case No. 133 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, this petitioner has committed murder of brother of the informant.

The learned counsel for the petitioner has submitted that during investigation the statements of witnesses Dipak Kumar and his wife have been recorded in paragraph Nos. 85 and 86 of the case diary and they have stated that the petitioner



had love and affection with their daughter, but at the instance of deceased, her marriage was solemnized elsewhere. It was the reason that the petitioner had vendetta against the deceased, and he killed the deceased by firearm. But, Dipak Kumar and his wife during trial have become hostile and didn't support the prosecution case. As such, their statements under section 161 of the Cr.P.C has no value.

On the other hand, Shri Shailendra Kumar, the learned APP has opposed the prayer for bail and submitted that even Rakhi Kumari, who is the daughter of Dipak Kumar has stated during course of investigation in paragraph No. 111 of the case diary that it was the petitioner who committed murder of the deceased and she is a material witness and yet to be examined in the trial.

It appears that trial is going on and the witnesses are regularly turning up for their deposition. It is expected that the trial shall be concluded within a period of nine months.

If it is not concluded within the stipulated period, the learned court below shall consider the application for regular bail filed by the petitioner.

The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial.



The learned court below shall verify the criminal antecedent of the petitioner.

With these observations, this bail petition stands disposed of.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

U		T	
---	--	---	--

