

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69707 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- DAUDNAGAR District- Aurangabad

RIYAZ HAZAM SON OF ILIYAAS HAJAM RESIDENT OF MOHALLA-
MALI TOLA, HUSSAINI BAZAR, WARD NO. 15, P.S.- DAUDNAGAR,
DISTRICT- AURANGABAD Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr.Navin Kumar Pandey

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

ORAL ORDER

3 20-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with G.R. No. 693 of 2022, arising out of Daudnagar P.S. Case
No. 337, registered for the offences punishable under Sections
302/34 of the Indian Penal Code.

As per allegation, Akshay Kumar (deceased), who is
son of the informant went out from his house at the call of
accused Vikash Kumar. On hue and cry, the informant rushed to
the place of occurrence and saw that co-accused Adeel Ansari,
Vikash Yadav and Rizawan@ Bhoku were fleeing away. All
these three persons were carrying knife. He found his son in
injured condition, who was writhing in the pain. His son
apprised that Adeel Ansari, and Rizawan@ Bhoku, Riyaz
Hazam (the petitioner) and Vikash Yadav made him injured by



inflicting knife blows. He was brought to the hospital and was declared dead. Thereafter, the dead body was sent to Sadar Hospital for post-mortem.

The learned counsel for the petitioner has submitted that there is delay in lodging of the FIR. The post-mortem report shows that two severe injuries were found on the person of the deceased and it was not possible for him in severe injured condition to apprise the occurrence to his father. He has submitted further that the *fardbeyan* was given after death of the deceased and after post-mortem was conducted.

On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the petitioner along with his three associates committed murder of the deceased by inflicting knife blows. The deceased himself, in injured condition has, apprised his father that the petitioner was also amongst the person, who assaulted him with knife.

In my view, the petitioner does not deserve the privileges of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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