

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71890 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- AAJAM NAGAR District- Katihar

MD. GULZAR @ GULANJAR @ MD. GULJAR HUSSAIN Son of Md.
Sakur R/v- Dighaliya, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 364(A), 364, 365, 302,
201 and 120B of the Indian Penal Code.

As per prosecution case, some unknown persons
abducted and killed the son of the informant.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner is not
named in the FIR. There is no direct evidence and no eye-
witness, only on the basis of suspicion, petitioner has been
implicated in the present case. He is languishing in judicial
custody since 03.02.2022.

The application for bail is opposed by learned APP for



the State and submitted that during investigation, it appears from para-73 of the case diary that deceased's mobile was recovered from the possession of the petitioner. As per postmortem report, the doctor opined that cause of death is asphyxia due to strangulation. The CDR mobile tower location of the deceased and the petitioner is same, which also corroborate the prosecution case. Several witnesses have also supported the prosecution case during investigation. Earlier the prayer for bail of other co-accused was stands rejected vide order dated 03.01.2023 passed in Cr. Misc. No. 38631 of 2022 and its analogous cases.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to conclude the trial within a period of six months, failing which petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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