

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13037 of 2024

Arising Out of PS. Case No.-249 Year-2022 Thana- SIMRI District- Darbhanga

Md. Waris @ Waris Kareem @ Md. Waris Imam Son of Late Md. Ekramul
Haque R/O Village- Sobhan, P.S.- Simri, Disdtrict- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Ms. Vaishnavi Singh, Adv. Mr. Padmnabh Kashyap, Adv.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary which was called for in Cr. Misc. No. 33848 of 2023.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was dismissed vide
order dated 19.08.2023 passed in Cr. Misc. No. 21675 of 2023.

3. The petitioner seeks bail in connection with Simri
P.S. Case No. 249 of 2022 instituted for the offences under
Sections 302, 120(B)/34 of the Indian Penal Code and Section
25(1-b)a, 27, 35 of the Arms Act.

4. As per prosecution case, the petitioners along with
other co-accused persons allegedly committed murder of the



husband of the Informant namely Jiyaaur Rehman (deceased).

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the Informant is not a witness of any part of the occurrence as also none has seen the alleged occurrence and only on the basis of suspicion, the petitioner has been named in the present case. The police on the basis of F.I.R. arrested co-accused Md. Javed and also recorded his confessional statement which does not contain the name of the petitioner. He submits that even in the second set of confessional statement of the co-accused persons, the petitioner's name does not figure. The petitioner was not even present during the alleged date and time of occurrence. Thus, the confessional statement of the co-accused persons does not disclose the involvement of the petitioner in any mode or manner and, the petitioner has been falsely implicated in the present case only on the basis of suspicion. He further submits that the confessional statement and the postmortem report are contradictory in nature. He further submits that the husband of the petitioner was found missing on 7th but, no information was given to the police and only after recovery of the dead body, the present written report



was allegedly lodged. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 31.08.2023.

6. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner and has produced the order dated 23.02.3034 passed in Cr. Misc. No. 33848 of 2023 and other analogous cases whereby this Court has been pleased to reject the prayer for bail of the co-accused persons.

7. This Court finds that there is an allegation of causing murder of the husband of the Informant against the petitioners. From paragraph no. 177 of the case diary, it appears that the tower location of the mobile of the petitioner was found near the place of occurrence at the time when the alleged incident is stated to have taken place. The charge-sheet has also been submitted against the petitioner.

8. In view of the above, considering the nature and gravity of the offence coupled with the fact that there is direct allegation against the petitioner for allegedly causing murder of the Informant's husband, this Court is not inclined to grant bail to the petitioner for the present.



9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of one year from today.

10. If the trial is not concluded within the aforesaid period of one year, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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