

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31302 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- PATLIPUTRA District- Patna

Md. Raja Son Of Md. Seraj Resident Of Near Devi Asthan, P.S. - Khajekalan,
District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate
	:	Mr. Ratnakar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 19-07-2024 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 326, 307, 120(B) and 302
of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, four unknown person
hired by the named accused person came on two motorcycles
and shot the brother of the informant who later on died. It is
further alleged that contract killers were hired to kill the brother
of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is quite innocent and has been falsely implicated in



the this case due to political rivalry and he has no concern with the alleged occurrence in this present case and nothing has been recovered from the conscious possession of the petitioner and he is not the shooter. He further submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused Md. Saiyad Shahanwaz who disclosed that the petitioner along with other co-accused persons have made the plan to commit the alleged crime.

5. Learned counsel of the informant and learned APP for the State has vehemently opposed the prayer of bail of the petitioner. Learned counsel for the informant has submitted that the motorcycle and arms that was used to commit the crime by the accused persons, has been recovered by the investigating authority on the basis of confessional statement of the petitioner and another co-accused person. Further on perusal of case diary in para-201 to 207, it reveals that the petitioner lead the police authority to the house of Md. Kaish, where several firearms were found and the same were seized by the police and the petitioner has five criminal antecedent.

6. On perusal of the first informant report, case diary, FSL report and impugned order dated 29.01.2024, it appears that the petitioner is the main assailant in the present case and he



was an active participant in the murder of the brother of the informant. Two motorcycles were recovered on the basis of the confessional statement of the petitioner and another co-accused person which was used by the petitioner for the commission of the alleged crime. The recovery of various firearms were made on the basis of confessional statement of this petitioner. Further, it implicates that the petitioner was actively participating in the murder of the brother of the informant. The Ballistic expert report dated 23.03.2024 also supports the involvement of this petitioner. The other co-accused person has already been granted bail on the basis of confessional statement of co-accused, Saiyad Shahanwaz, wherein, only a motorcycle was recovered. The case of this petitioner is of different footing as the petitioner had lead the police to the recovery of various firearms which clearly indicates that the petitioner was active participant in commission of the crime, considering which, I am not inclined to grant regular bail to the petitioner.

7. Prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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