

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50486 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- BAISI District- Purnia

Md. Haider @ Md. Haidar Son of Md. Mujahid @ Mujahir @ Mazahir
Resident of village - Bara Rehua Baisi, P.S.- Baisi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

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

ORAL ORDER

4 18-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added.

3. As per allegation in the FIR, one co-accused persons and six unknown persons on threatening the husband of the informant by weapon, snatched one ATM, one mobile phone, 10 grams gold chain along with Rs.10,000/- cash and also assaulted the husband of the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next



submits that FIR has been lodged against unknown person and the FIR was filed on 26.12.2023 whereas the occurrence was occurred on 20.12.2023 and the delay was not explained by the informant and there is no eye witness of the alleged occurrence and petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 27.12.2023. He next submits that similarly situated co-accused, namely, Md. Jahid has already been granted bail by this Court passed in Cr. Misc. No. 43655 of 2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation for causing the murder of the husband of the informant.

6. On perusal of the first information report, case diary and impugned order dated 14.06.2024, it appears that on the basis of written report (typed copy) of the informant, namely, Shibani Devi (wife of the deceased), FIR was registered under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code and subsequently Shankar Sharma died, accordingly, offence under Section 302 of the Indian Penal Code was added in the first information report. It appears that the name of the petitioner surfaced from the dying declaration, accordingly, FIR was registered against this petitioner and six



unknown persons. It also appears that from perusal of the impugned order and case diary of paras 54 and 55 shows that six accused persons including the petitioner were last seen in the company of the deceased on 20.12.2023 and CCTV footage of Canara Bank ATM also corroborates the fact that on 20.12.2023 accused persons including the petitioner were injured and later on deceased was found injured and further succumbed to injury. It also appears from perusal of the postmortem report that as many as sixteen sharp cut injuries caused to the deceased Shankar Sharma on all over body and it is a case of brutal murder of the deceased and the fact that sixteen injuries caused to the deceased brutally in pre-planned manner and from number of injury only intention to cause death can be inferred and co-accused Md. Jahid has granted bail by this Court because he was not named in the FIR and concerned with other materials, so considering all aspects of the matter, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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