

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51110 of 2023

Arising Out of PS. Case No.-247 Year-2019 Thana- BAKHTIYARPUR District- Patna

Najabuddin @ Vikki Alam S/O Md. Akhtar R/O Village-Chakdaulat, P.S.-
Bakhtiyarpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Adv.

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

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

ORAL ORDER

7 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. Pursuant to the earlier order of this Court dated
12.02.2024, the court below has sent a fresh report regarding
stage of the case, which is kept at Flag-A.

3. The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 247 of 2019 instituted for the
offences under Section 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. It is alleged that all the accused persons including
the petitioner came at the house of the Informant and
Mohammad Zahid and Vicky Alam (petitioner) fired upon the
chest of the Informant's wife, as a result of which she died at the



spot.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to local village party politics. He further submits that the petitioner was not even present at the place of occurrence on the alleged date of occurrence. There is an admitted land dispute between the parties. There is no independent eye witness to the occurrence and the eye-witnesses of the alleged occurrence are close relatives of the Informant. 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 05.08.2019 and has remained in custody for more than four and half years.

6. Learned counsel for the petitioner again submits that the co-accused Mohammad Akhtar and Mohammad Kamruddin have been granted bail by a Co-ordinate Bench of this Court vide order dated 24.02.2020 passed in Cr. Misc. No. 1298 of 2020.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has submitted that from paragraph nos. 9, 10 & 11 of the case diary, it appears that the witnesses have fully supported the case of the



prosecution. He further submits that the postmortem report also corroborates the prosecution case.

8. Considering the entire facts and circumstances of the case and taking into account rival submissions made the parties as also considering the status report of the court below, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected for the present.

10. The court below is directed to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of a copy of this order.

11. If the trial is not concluded without the aforesaid period of nine months, the petitioner is given liberty to approach the court below with a prayer for bail and the court below will dispose of the same on merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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