

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52873 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Buggi Thakur @ Pawan Kumar Son Of Late Choudhary Thakur Residnet Of
Village -BAGHI, Ward No 24, Ps- Nagar, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Muffasil P.S. Case No. 54 of 2023 instituted for the offence
under Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per FIR, co-accused persons who are named in
FIR along with this petitioner who is not named in FIR,
committed murder of the informant's husband by indiscriminate
firing. The reason behind this as alleged occurrence is said to
election related dispute.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this present case.



The petitioner is not named in FIR rather his name came into light in this case during investigation on the basis of confessional statement of co-accused persons. It is further submitted from para-13 of this petition that the specific allegation of firing is against two co-accused persons and three unknown persons also claimed to be accused in the instant case having allegation of firing upon the deceased but the unknown persons have not been identified on T.I. Parade. From perusal of para-28 of the main case diary along with para- 33 and 34 of the supplementary case diary, witnesses could not identify this petitioner to fire upon the deceased rather they stated about the name of other co-accused persons who fired upon the deceased. Moreover, the petitioner is languishing in judicial custody since 27.02.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the name of petitioner has been transpired on the basis of confessional statements of other co-accused persons, namely, Md. Farhan and Md. Mahfuz Ansari who stated about the complicity of this petitioner in commission of murder of the informant's husband. From para-105 of the case diary, the confessional statement of this petitioner was recorded in which he confessed his guilt and



stated that he fired upon the deceased. From perusal of the para-26 of the main case diary, it appears that witness stated that co-accused hired this petitioner as a shooter to commit this offence. From perusal of the postmortem report, several entry wounds found on the body of the deceased and doctor opined that the cause of death of the deceased is due to injuries caused by firearms. Petitioner has several criminal antecedents and he is a man of dreaded criminal as per his confessional statement.

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 expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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