

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65019 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Akram Khan S/O- Late Tayyab Khan Moh- Dilkashbagh Po- Katihar Ps-
Katihar Nagar Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mrs. Vaishnavi Singh Mr. Ajay Thakur, Sr. Adv Mr. Ritwik Thakur
For the State	:	Mr. Jitendra Kumar Singh
For the Informant	:	Mr. Pawan Kr. Singh

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for bail in connection with Katihar Nagar P.S. Case No. 40 of 2024 instituted for the offence under Sections 307, 326, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the husband of the informant along with his friend, namely, Pritam Kumar and his maternal nephew, namely, Udip Kumar went on a four wheeler to attend a date in the Civil Court, Katihar. At about 4.30 PM, the informant received information that about 4 P.M. at Hariganj Chowk, six to seven unknown miscreants fired



indiscriminately at her husband's car as a result of which her husband along with Pritam Kumar sustained gun shot injuries. It is further alleged that the nephew of the informant, namely, Udip Kumar also received injury on his hip. The injured persons were brought to medical college where the doctor declared her husband along with Pritam Kumar dead.

4. 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 has surfaced in this case during the course of investigation. Moreover, he is languishing in judicial custody since 22.02.2024.

5. Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of regular bail and submitted that during the course of investigation, the injured, namely, Udip Kumar has given his statement under Section 161 of the Cr.P.C. wherein he stated that they reached Hariganj Chowk in the meantime, some persons started pelting stone on their vehicle and they stopped the vehicle. After that, this petitioner along with Md. Munna and some unknown miscreants started firing indiscriminately due to which Chotu Poddar(informant's husband) and Pritam Kumar sustained gun shot injuries on several parts of their body. He further stated that



as he was trying to save himself but he also received gun shot injury in the lower part of his back side. In para-36 of the case diary also, the name of the petitioner has surfaced as one of the assailants. In this alleged occurrence, injured Udip Kumar(eye-witness) was also accompanying the deceased persons in the car, so he is the sole eye-witness of this case. This is the double murder case and this petitioner is being identified by the eye-witness, namely, Udip Kumar.

6. 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.

(Ashok Kumar Pandey, J)

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