

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73434 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- JAMUI District- Jamui

Md. Sanjar @ Sanjar Mallick @ Sanjar Son of Md Anwar @ Anwar Imam
R/O Vill.- Azad Nagar, P.S.- Jamui, Dist.- Jamui

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner; learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Jamui
P.S. Case No. 19 of 2023 dated 08.01.2023, instituted for the
offence punishable under Sections 302, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act. Later on Sections
25(1-b)a, 26, 35 of the Arms Act were also added.

3. This is the second attempt for bail. Earlier, prayer
of the petitioner for grant of bail was refused by a Co-ordinate
Bench of this Court *vide* order dated 29.01.2024 passed in Cr.
Misc No.59717 of 2023.

4. Vide order dated 04.10.2024, a report was called for
from the trial Court about the present stage of trial and the likely



time to be taken in its conclusion. The report of the trial Court has been received from which it appears that out of eight charge-sheeted witnesses four witnesses have already been examined.

5. As per the allegation in the FIR, informant gave Rs. 50,000/- to his brother (deceased) to keep in house. At the same time four friends of his brother came there, and his brother went away with them with the said amount. It is further alleged that informant received a call that his brother has been shot dead in front of the house of Dishu Mukhiya. On getting information, he went there and saw that two bullet injuries were present over the dead body of his brother.

6. Learned counsel for the petitioner submitted that petitioner is innocent and he has been falsely implicated in this case. It is further submitted that save and except last seen, nothing has come against the petitioner to show his complicity in the present case. Lastly, it has been submitted that petitioner is languishing in judicial custody since 10.01.2023.

7. Learned counsel for the informant and learned APP for the State vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submitted that at the instance of the petitioner, pistol, mobile and motorcycle



used in the occurrence were recovered, which is mentioned in paragraph 22 of the case diary. It is further submitted that FSL report corroborates the prosecution story. Doctor opined cause of death due to fire-arm injuries. During investigation several witnesses have supported the case.

7. Having heard the learned counsel for the parties and considering the nature of allegation, I am not inclined to grant bail to the petitioner.

8. Accordingly, the instant bail of the petitioner is rejected.

9. However, the trial court is directed to expedite the trial and take all endeavor to conclude the trial at the earliest, preferably, within a period of six months from the date of receipt/production of a copy of this order. If the trial is not concluded within six months, the petitioner will be at liberty to renew his prayer for bail.

(Khatim Reza, J)

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