

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81770 of 2023

Arising Out of PS. Case No.-339 Year-2023 Thana- RAJAON District- Banka

Mahtab Alam @ Md. Mahtab S/O Mohammad Mohsin @ Md. Mohsin
Village- Ustu, Ps. Lodipur, Dist. Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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

ORAL ORDER

6 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rajoun
P.S. Case No. 339 of 2023 instituted for the offences under
Sections 302, 120B & 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, the petitioner along with
other accused persons in connivance with the main accused
Mehtab Alam committed murder of the son of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
There is no eye-witness to the alleged occurrence. The



postmortem report does not support the prosecution case as the injury itself shows that the deceased could not be in a position to give his statement before anyone. He further submits that admittedly the deceased sustained fire-arm injury from his back and, thus, it is highly suspicious to disclose the name of the petitioner by the deceased who is unknown to him from before. He further submits that most of the witnesses are interested witnesses. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.08.2023 without any rhymes or reason. Charge-sheet has been submitted on 08.10.2023 bearing charge sheet no. 309 of 2023.

5. Learned counsel for the petitioner again submits that the co-accused namely Binu Kumar @ Ritik Roushan has been granted bail by this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 6452 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is specific and direct allegation against the petitioner of committing murder of the deceased in connivance with his friends under conspiracy. The Informant in his restatement and



other witnesses have fully supported the case of the prosecution.

The inquest report also supports the prosecution case stating that the deceased has died due to fire-arm injury in chest.

7. In compliance to the order of this Court dated 05.07.2024, the court below has sent its report dated 18th of July, 2024 stating therein that summons and bailable warrant have been issued against the prosecution witnesses. Till date, out of six charge sheet named witnesses, four witnesses have been examined on behalf of the prosecution. The next date of hearing in this case is 01/08/2024 for evidence of prosecution and the trial is likely to be concluded within six months from today.

8. Having heard rival contention of both the parties and there being direct and specific allegation against the petitioner also taking into account the report sent by 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 with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from today.

10. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be



disposed of on its merit without being prejudiced by this
order.

(Rudra Prakash Mishra, J)

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