

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86707 of 2024

Arising Out of PS. Case No.-1025 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Md. Shahwaj Khan @ Shahbaz Khan S/o- Munna Khan @ Noor Khan @ Md.
Noor Khan Village- Barheta Ps-Hathauri Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Kumar Ranjan, Adv.
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Adv.

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

ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary called for in Cr. Misc. No. 82067 of

2024.

2. The petitioner seeks bail in connection with

Ahiyapur P.S. Case No. 1025 of 2024 instituted for the

offences under Sections 137(2), 140(1), 3(5) and later on

added Section 103(1) of the B.N.S., 2023.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of firstly

kidnapping the Informant's elder brother and, thereafter,

committing his murder.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. There is existing land dispute between the parties. The Informant is not the eye-witness to the alleged occurrence and the F.I.R. is based on sheer speculation and hearsay account of the occurrence. There is no eye-witness in the present case. Even the mother, brother and the wife of the deceased are not the eye-witness to the alleged occurrence. The CCTV footage does not show the presence of the petitioner on the place of occurrence at the time of alleged occurrence. The CDR analysis of the accused persons further ruled out the complicity of the petitioner. Except extrajudicial confession of the co-accused persons, there is nothing against the petitioner. Nothing incriminating has been found from the conscious/physical possession of the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State



and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The Informant and other witnesses in Para 2, 3, 4, 5 and 6 of the case diary have supported the prosecution case. The police has recovered used motorcycle and helmet of the deceased from the place of occurrence. Para-45 of the case diary shows the recovery of the deceased from Darbhanga district. There is confessional statement of co-accused Sahil which is contained in Para-55 of the case diary in which he has confessed that he along with co-accused persons have committed the offence. In Para-99, there is confessional statement of the co-accused Munna Khan in which he has also stated that he in association with other co-accused persons including the petitioner has committed the offence. The police, on the basis of the disclosures made by the co-accused Munna Khan and Noor Khan, have also recovered the alleged vehicle used in the alleged occurrence bearing Regd. No. BR06DG-6435. The postmortem report supports the prosecution case. The Investigating Officer has submitted charge-sheet against the



accused persons including the petitioner for offence under Sections 137(2), 140(1), 103(1), 61(2) of the B.N.S. The investigation is still pending. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being specific allegation against the petitioner of being involved in the alleged occurrence, this Court is not inclined to grant bail to the petitioner.

7. 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.

(Rudra Prakash Mishra, J)

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