

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28700 of 2015

Arising Out of PS.Case No. -256 Year- 2014 Thana -KATEYA District- GOPALGANJ

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1. Faiyaz Ali son of Manir Ali Resident of Village - Pipra, Police Station -
Manjhagarh, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 256 of 2014 registered for the offences punishable
under Sections 307, 394, 411 of the Indian Penal Code. Later on
Section 302 IPC and Sections 27, 25(1-B)A, 26 and 35 of the
Arms Act were added.

Supplementary affidavit has been filed on behalf of the
petitioner which has been taken on record.

Allegedly, four miscreants came at the licensee wine
shop where the informant was working as salesman and three
miscreants entered into the shop and after pointing firearm and
assaulting the informant and other salesman started committing



robbery of cash and wine but in the meantime Anup Kumar Jaiswal came there and the miscreant who was pointing firearm shot him and thereafter, they fled away with cash and wine but the miscreants were being chased and in the meantime the Police jeep also came there and then the four miscreants were caught and out of those miscreants the petitioner was also identified and the informant identified co-accused Rohit Kumar Singh @ Ashok Kumar Singh who has shot Anup Kumar Jaiswal and from his possession firearm was recovered whereas from possession of the petitioner three live cartridges and one mobile has been shown to be recovered.

Submission is of false implication and that the alleged identification is not in accordance with law, the police after completing investigation has submitted chargesheet under Section 302 IPC, Sections 27, 25(1-B)A, 26, 35 of the Arms Act. The alleged recovery has been shown by the Police falsely. The petitioner ought to have been put on test identification parade but he has been got identified by the Police. The Police has not recorded the statement of the injured who died later on during treatment. Another co-accused Heera Singh has been allowed bail vide order dated 28.06.2015 passed in Cr. Misc. No. 35554 of 2015 as such the petitioner deserves sympathetic consideration to

which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the prayer of bail of co-accused Raju Bin @ Raja Lal Bin who was also caught with the petitioner has already been rejected by another co-ordinate Bench of this Court vide order dated 12.08.2015 passed in Cr. Misc. No. 29814 of 2015 and bail of co-accused Heera Singh has been allowed on wrong submission made on behalf of the accused that some of the accused have already been granted bail.

In the facts and circumstances stated above, considering that the petitioner was also caught after chase with aid and assistance of the Police and from his possession three live cartridges were recovered and case of the petitioner is similar to that of co-accused Raju Bin, this Court is not inclined to enlarge the above named petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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