

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49434 of 2015

Arising Out of PS.Case No. -95 Year- 2009 Thana -BIRPUR District- SUPAUL

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1. Shah Raja Son of Late Shah Jami Mohammad resident of village - Parsa,
P.S. Baluabajar, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Smt. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Birpur
(Balua) P.S. Case No. 95 of 2009 registered for the offences
punishable under Sections 147, 148, 149, 302, 427, 379, 120B of
the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that when
injured Devendra Prasad Yadav, the father of the informant, was
brought in Safari vehicle, the petitioner shot Devendra Prasad
Yadav in his right temporal region causing his death.

Submission is of false implication due to political
rivalry. The father of the petitioner was killed and for that the case
is going on in which Devendra Prasad Yadav was also an accused.

The petitioner works in a private company, there is no independent witness of the occurrence. No motive has been attributed, no arms has been seized from possession of the petitioner and he is suffering in custody since 10.04.2015. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that the petitioner is one of the assailant.

In the facts and circumstances stated above, considering that the petitioner is also the assailant, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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