

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25725 of 2014

Arising Out of PS.Case No. -52 Year- 2010 Thana -KHAGARIA GRP CASE District- KHAGARIA

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1. Ram Babu Singh S/o Late Kaushal Singh R/o vill.- Parara, P.S.- Beerpur,
Dist.- Begusarai

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey

For the Opposite Party : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 26-06-2015

Heard both sides.

Apprehending his arrest in connection with Khagaria Rail Police Station case No. 52 of 2010 lodged initially under Section 394 of the IPC later on Section 302 of the IPC was added, the petitioner has filed the present anticipatory bail application.

As per the prosecution case while the victim/deceased was travelling on a train which stopped at Kamalpur Station when the two unknown accused persons are said to have snatched the mobile of the victim. The victim got down and ran after the accused persons. It is alleged that one of them in the scuffle caused fire arm injury to the deceased who was later on taken to Begusari for treatment and subsequently died.



It has been submitted that petitioner is the own brother-in-law of the victim/deceased. The sister of the petitioner was married to the victim which ultimately culminated into litigation inasmuch as a proceeding under Section 498A of the IPC filed by the sister against the victim/deceased is pending consideration. The FIR has been lodged against unknown. Petitioner has no criminal antecedent. There is strong motive to implicate the petitioner in this case. The statement of the deceased/victim was made allegedly after 2-3 weeks of the occurrence.

Learned APP opposed the prayer and submitted that the victim upon gaining consciousness named the petitioner as one who inflicted fire arm injury on him. Learned Sessions Judge in the impugned order has noted the materials recorded in paragraph no.66 and 67 of the case diary wherein the witnesses have supported the allegation of causing injury by the petitioner to the victim/deceased.

Considering the circumstances of the case, I am not inclined to privilege the petitioner with anticipatory bail. Prayer for bail is rejected.

Petitioner may surrender and pray for regular bail before the learned court. In that event the Court below shall

consider and dispose of the same on its own merit uninfluenced by
the present order.

(Kishore Kumar Mandal, J)

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