

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40594 of 2014

Arising Out of PS.Case No. -128 Year- 2014 Thana -CHENARI District- SASARAM (ROHTAS)

Taukir Beg

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Md.Arif (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 05.08.2014 in a case registered for the offences punishable under Sections 302 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that the son of the informant came and informed the informant that this petitioner fired on the other elder brother of the informant Sabir Hussain Beg then the informant came out from the house and found him dead and saw this petitioner standing near his injured elder brother with a gun in his hand. Subsequently, Sabir Hussain Beg was taken to Primary Health Centre, Chenari, where the doctor declared him dead.

It is submitted by learned counsel for the

petitioner that the informant has three sons and one of his sons informed him about the occurrence but his name has not been disclosed nor he has been examined in 161 Cr. P.C. statement before the police and admittedly the informant was not eye witness to actual occurrence. It is further submitted that the statements of daughters, son and the wife of the deceased were recorded at the very belated stage of investigation.

The wife of deceased Rabana Khatoon whose statement was recorded in paragraph no. 36 of the case diary claimed to be eye witness to occurrence. The son and the daughters of the informant have also supported the accusation.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner in connection with Chenari P.S.Case No. 128 of 2014 pending in the court of the learned J.M. Ist Class, Sasaram.

U.K./-

(Dinesh Kumar Singh, J)

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