

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26886 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Md. Allauddin, Son of Md. Jabbar, Resident of Village- Chak Alhdad,
Police Station- Vaishali, District- Vaishali..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. B.N.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-11-2015

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 111 of 2015 registered for the offence punishable
under Sections 302/34 and 120B of the Indian Penal Code.

Allegedly, Subodh Kumar aged 16 years the son of the
informant was sleeping in the room on 20.04.2015 and at 1:45 am
the informant heard the noise of twisting in his room and then the
informant and his wife saw that the petitioner and one Md. Yunus
were coming out from the room and fleeing away carrying in their
hands Chapat (meat cutting instrument) and then the informant
went inside the room and saw the neck of his son cut due to which
he succumbed to the injuries. The motive behind the occurrence is
alleged that Soni Khatoon used to talk with the son of the
informant and for that the petitioner and other co-accused after
committing conspiracy killed him.

Submission is of false implication and that inquest was prepared on 20.04.2015 at about 7:00 am whereas the written report was registered at 4:00 pm on 20.04.2015 and it goes to reveal that earlier the informant and his wife have not seen any one but later on they have named and as such the petitioner who has been falsely implicated deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner was seen at once by the informant and his wife coming out from the room of their son and fleeing away with Chappat (meat cutting instrument), in the written report time is not mentioned and it might be that after receiving the written report and preparing inquest the same has been registered at police station at 4:00 pm. Further from para 11 of bail application it reveals that the petitioner was arrested at 3:20 pm from his house at day time on the same day and as such the petitioner deserves no leniency.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, 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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