

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35267 of 2015

Arising Out of PS.Case No. -150 Year- 2013 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Sachida Rai @ Sachidanand Rai @ Sachitanand Rai son of Late Musharu Rai resident of Village - Raghunathpur, Police Station - Saheb Kamal, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 25-08-2015

Counter affidavit is filed on behalf of the informant.

Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The accusation against the petitioner is that he along with one co-accused Babu Lal Rai caught hold the deceased whereas other co-accused opened fire on the deceased.

It is an admitted position that petitioner was convicted in Session Trial No. 128 of 1988 for the offence punishable under section 304 Part I of the Indian Penal Code and accordingly, he was sentenced to undergo rigorous imprisonment for ten years. The order of aforesaid conviction and sentence was challenged

before this Court and this Court converted the conviction of the petitioner into section 304 Part-II of the Indian Penal Code and reduced the sentence of the petitioner to undergo rigorous imprisonment for seven years. Apart from the aforesaid conviction, petitioner carries criminal antecedent of some other cases also.

No doubt, in the present case some co-accused have already been granted bail but taking note of the aforesaid facts as well as submissions of the parties, I am not inclined to release the petitioner on bail, and accordingly, his prayer for bail in connection with S. Kamal P.S.Case No. 150 of 2013, pending in the court of Chief Judicial Magistrate, Begusarai stands rejected.

(Hemant Kumar Srivastava, J)

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