

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42190 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -AMAS District- GAYA

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Kavi Pandit @ Panditjee Son of Balmukund Pandey Resident of village +
P.S. Gurua, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-11-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 147, 148, 149 and 302 of the Indian Penal Code, 27 of the Arms Act and 17 of the C.L.A. Act.

As per prosecution case, while informant, deceased and other two persons were going to village Paharpur in search of labouers, they were attacked by the members of Naxalite. The deceased received fire shot and others managed to escape. Allegation against the petitioner is that he made a phone call to Sheru Khan that deceased Ashraf Khan had been fired shot and lying near Paharpur Tand. The deceased was declared dead when he was taken to hospital.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. He is in custody since 19.5.2015. Chargesheet has been submitted in the present case. There is no allegation of tampering of evidence against the petitioner. Petitioner has falsely been implicated in the present case due to

previous enmity between the parties. From perusal of paras-33 and 34 of the case diary it would appear that the said witnesses have not supported the prosecution case.

On behalf of the State, it is submitted that there are eye witnesses to the alleged occurrence whose statements have been recorded in paras-44, 46 and 47 of the case diary, where it has been alleged that this very petitioner had fired upon the deceased and the deceased succumbed to the injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, the trial court is directed to take necessary steps to expedite the trial in connection with Amas (Gaya) P.S. Case no. 65 of 2015 giving rise to G. R. no. 553 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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