

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37052 of 2014

Arising Out of PS.Case No. -178 Year- 2013 Thana -MOTIPUR District- MUZAFFARPUR

=====

1. Kailash Prasad Kushwaha @ Fauji S/o Rajendra Prasad Resident of Village Kesopur, P.S. Sakara, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh

For the Opposite Party/s : Mr. Anish Chandra(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 27.01.2015 Supplementary affidavit is filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is named in the first information report and specific allegation against him is that he shot fire on the informant causing fire arm injury to him and furthermore, he as well as his associates fled away from the place of occurrence by Scorpio along with one Pramod Kumar who had gone there to make payment of demand of ransom in respect of kidnapping of one Santosh Thakur. Furthermore, I find that petitioner and some other accused persons were arrested on the same day in Tariyani P.S. case no.79/2013

but before the above stated arrest, they had already dropped both victims. The statements of both victims have been recorded vide paras 30 and 31 of the case diary and in the aforesaid paragraphs, both victims categorically supported the prosecution story.

Therefore, considering the facts and circumstances as well as submissions of the parties and also keeping in mind the seriousness of alleged occurrence, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail in connection with Motipur P.S. Case no. 178/2013 pending in the court of Sushree Kalpana Srivastava, Judicial Magistrate, Ist Class, Muzaffarpur stands rejected.

However, the concerned court should take steps to commit the case of the petitioner to the court of sessions as early as possible in accordance with law, if the same has not been committed to the court of sessions as yet.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--