

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10613 of 2015

Arising Out of PS.Case No. -168 Year- 2014 Thana -KHODAWANPUR District- BEGUSARAI

1. Arun Yadav s/o Late Kalth Yadav Residence of village - Israha, P.S. Khodwanpur (Chhaurahi O.P.), District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 03-07-2015

Heard learned counsel for the petitioner.

Nobody appears on behalf of the State.

Petitioner is facing accusations punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act lodged on 21.07.2014 vide Khodabanpur P.S. Case No. 168 of 2014.

The First Information Report was lodged against unknown. According to prosecution case the son of the informant was at the Pharmacy shop when three accused persons arrived on motorcycle and indiscriminately sprayed bullets and escaped. The informant latter reached the shop only to find his son dead. In course of investigation it has revealed that earlier to death the deceased lodged a case under Section 302 of the Indian Penal Code against the petitioner and others which was under trial. The petitioner

used to pressurize the deceased to compromise the case to which he was not ready and few days prior to the occurrence he deposed in the case thereafter the occurrence was committed.

It is submitted by the learned counsel for the petitioner that he is not named in the First Information Report and during initial stage of investigation witnesses did not support the prosecution case. One Manoj Kumar was arrested, who made a confessional statement naming him and another accused person, who were released on bail.

From the materials on record as also from the impugned orders, it appears that there is strong motive against the petitioner to commit the offence. It further appears that trial is already under way. The petitioner is in custody since 04.08.2014.

Regard being had to above, I am not persuaded to grant the petitioner privilege of bail.

Accordingly, the bail application is rejected.

If the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order, the petitioner is at liberty to renew his prayer for bail before the learned court below.

(Kishore Kumar Mandal, J)

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