

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3113 of 2015

Arising Out of PS.Case No. -266 Year- 2013 Thana -BETTIAH TOWN District- WEST
CHAMPARAN(BETTIAH)

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1. Sanjay Mishra @ Sanjay Kumar Mishra S/o Hari Kant Mishra @ Murari
Mishra Resident of Village Suggaon, P.S. Sugauli, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 22-04-2015 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner is named in the first information report

with specific allegation that he shot fire at the deceased as a result

of which deceased sustained injury on his head.

The contention on behalf of the petitioner is that after

due investigation police found the accusation untrue and,

accordingly, final form was submitted but learned Chief Judicial

Magistrate differed with the findings of the police and on the basis

of paragraphs no. 187 and 188 of the case diary took the

cognizance of the offences.

Paragraphs no. 187 and 188 of the case diary reveal that two witnesses claimed to have seen the petitioner and other accused fleeing from the place of occurrence. Admittedly, informant claimed himself to be eye witness of the alleged occurrence and there was previous enmity between the parties.

Learned counsel appearing for the informant submits that prayer for bail of co-accused, Alok Jha has already been rejected by a co-ordinate Bench of this Court vide order dated 13.02.2014 passed in Cr. Misc. No. 1279 of 2014.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Bettiah Town P.S. Case No. 266 of 2013 pending in the court of Chief Judicial Magistrate, Bettiah, West Champaran stands rejected, at least, at this stage.

(Hemant Kumar Srivastava, J)

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