

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24744 of 2015

Arising out of PS.Case No. -103 Year- 2000 Thana -KUCHAIKOTE District- GOPALGANJ

Shamsher Ali, son of Late Manzoor Ali, resident of village - Bibi Ka Bangra Police Station Bacharia, District Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Amir Alam, Advocate.

For the Opposite Party : Mr. Shyam Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Kuchaikot P.S. Case No. 103 of 2000 for the offences instituted under Sections 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that one Chaukidar 5/4, namely, Binod Giri, given his fardbeyan and recorded by the Officer-in-Charge of Kochaikot Police Station and stated therein inter-alia that on 22.07.2000 at about 8.45 A.M. near Bathari Petrol pump he had given his fardbeyan at N.H. 28 near unknown deceased that on 22.07.2000 at about 8.30 A.M. when he reached at Bathari More in his area he heard, a fire short alarm and in the meantime, a hulla was raised that a murder has been committed,



then he saw that the people were assembled near the Bathari Petrol Pump, Eastern Side of N.H. 28 Up which he also reached at that place and saw that a white complexion man aged about 40 years lying on the road in pool of blood and also blood was oozing from his chest and Kanpati the people who were coming and going disclosed that two persons were coming on a Hero Honda Motorcycle from Gopalganj side and a Bullet Motorcycle on which three persons were riding was chasing the Hero Honda and as soon as the bullet came ahead they stopped the Hero Honda Motorcycle and shot at the person who was sitting behind on the Hero Honda Motorcycle and three persons who were riding on bullet Motorcycle as well as the persons who was driving the Hero Honda Motorcycle were fled away towards Gopalganj. He further stated that he has informed Bathna Kothi Picket regarding the occurrence on which the police came there and thereafter he recorded his fardbeyan. He further raised suspicion that on conspiracy the four persons who were known to the deceased have done to death.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. It is further submitted that there is no direct evidence against the petitioner.

On behalf of the State it has been submitted that anticipatory bail application of the petitioner has earlier twice rejected by this Court and the case is of the year 2000.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Kuchaikot P.S. Case No. 103/2000, pending in the court of the learned C.J.M., Gopalganj.

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(Sudhir Singh, J)