

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9514 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -BARH District- PATNA

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1. Vikash Kumar son of Late Nago Singh resident of village - Massathu,
Police Station - Belchhi, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-07-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is in custody in Barh P.S.Case No. 229 of 2014, registered under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of Arms Act, pending in the Court of learned A.C.J.M., Barh, Patna.

The informant has alleged that on 18.6.2014 in the morning her husband went for stone chips at Nadwa Bridge. While she was cooking the meal she heard sound of firing and came out from the house then she saw that Ramnandan Singh @ Chhotan Singh, Lallu Yadav and Jai Prakash Narayan Singh chasing her husband. She further saw that her husband was in injured condition and fell down in the ditch, who received several fire arm injuries on the body. They returned back and told that all the named accused persons killed her husband and fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.09.2014. Charge sheet has been submitted in this case. It is further submitted that no specific injury is attributed against the petitioner. The informant is not the eye witness to the occurrence.

On behalf of the State and the Informant, it has been submitted that the petitioner has criminal antecedent. It is also submitted that as per FIR the informant was told by three witnesses, namely, Jai Prakash Narayan Singh, Ramanand Singh and Lallu Yadav, who had seen the occurrence and disclosed the name of the petitioner to the informant as one of the shooters and on the basis of which the petitioner was named in the FIR. All the witnesses, in course of investigation, have supported the prosecution case and have stated that this petitioner along with others had fired upon the deceased. Post Mortem Report also indicates that there are as many as 17 (seventeen) fire arm injuries upon the deceased. It is further submitted on behalf of the State that the regular bail of other co- accused has been rejected by this Court vide Cr. Misc. No. 2670/2015.

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

(Sudhir Singh, J)

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