

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23037 of 2015

Arising Out of PS.Case No. -201 Year- 2013 Thana -SULTANGANJ District- BHAGALPUR

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Bhavesh Kumar @ Bhavesh Yadav, son of Naresh Yadav, resident of
Village:- Nawada, P.S.:- Sultanganj District:- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-08-2015 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with
Sultanganj P.S.Case No. 201/2013 instituted under Sections 302
and 392 of the Indian Penal Code, pending in the Court of learned
C.J.M., Bhagalpur.

The prosecution story, in brief, is that on 5.11.2013 at
about 6 P.M. the brother of the informant, namely Deepak Kumar
was coming from his in-laws house and it is alleged that the
accused persons trapped him due to old enmity. It is further
alleged that the petitioner shot on the right Pokhra of Deepak
Kumar. It is also alleged that Rs. 40,000/- and other articles were
taken away from the possession of Deepak Kumar. Later on,
during treatment, Deepak Kumar succumbed to his injuries.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.09.2014 and the charge sheet has been submitted in the case. As per allegation in the FIR it is alleged that the petitioner is said to have fired upon the deceased causing injury upon him. From perusal of the case diary it appears that a number of witnesses in paras 30 to 36 have stated different versions about the manner of occurrence where none has named the petitioner for causing any injury upon the deceased. It is further submitted that the deceased was involved in illegal gambling in the village and in respect to the dispute relating to the same, the occurrence is said to have taken place.

On behalf of the State it is submitted that the petitioner is named in the FIR.

Considering the facts aforesaid, I am not inclined to grant bail to the petitioner and the same is rejected. However, the trial court is directed to conclude the trial of the case within a period of six months, failing which the petitioner may renew his prayer for bail.

(Sudhir Singh, J)

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