

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38995 of 2015

Arising Out of PS.Case No. -4 Year- 2008 Thana -ROH District- NAWADA

1. Gopal Singh S/o Karu Singh Resident of Village Sambharigarh, P.S. Roh,
District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioner and the
State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 337, 302 of the Indian Penal Code, 27 of the Arms Act and 3(1) (x), 3 (ii) (iv) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that while stealing Government solar light one Sanjay Yadav was apprehended and handed over to the Chowkidar, but he flee away. Thereafter the First Information Report named accused persons fired, as a result Sanjay died on the spot. The petitioner was not named in the First Information Report but during investigation his name sprang up but he was not sent up for trial, consequently, differing with the Final Form the learned

court below took cognizance in 2009 itself.

It is submitted by the learned counsel for the petitioner that the petitioner was not named in the First Information Report. His name sprang up during investigation but was not sent up for trial. Cognizance was taken differing with Final Form, but the processes were never executed against the petitioner, as a result the petitioner could not move before the Court for bail at the earlier point of time. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Roh P.S. Case No. 04 of 2008, pending in the court of learned A.D.J.-I, Nawada.

With this observation this application is disposed of.

(Dinesh Kumar Singh, J)

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