

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10108 of 2016

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

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1. Dilip Patel S/o kishori Patel@Kishori Prasad Resident of Village
Banuchapa Dusaiya tola Ps Manuapul District West 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. Amitesh Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 26-04-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Bettiah Town
P. S. Case No. 266/2013 registered for the offences under sections
302/120B/34 of the I.P.C. and 27 of the Arms Act.

Allegedly, the petitioner along with others came on two
motorcycles near Durga Hotel, co-accused Sanjay Mishra fired,
causing injury on the temple of the brother of the informant. The
petitioner caused fire arm injury on abdomen of Kumar Ravi @
Ramu whereas co-accused Alok Jha caused injury on hand and
Kumar Ravi @ Ramu was brought to the hospital but he
succumbed to the injury.

Submission is of false implication and after due
investigation, police found allegation against the petitioner not

true and did not sent up but the learned Chief Judicial Magistrate deferring with the finding of the police took cognizance, other co-accused against whom charge sheet has been submitted, have already been allowed bail, as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel of informant opposes the prayer for bail by submitting that prayer for bail of similarly situated co-accused namely Alok Jha vide Cr. Misc. No. 1279 of 2014 dated 13.02.2014 and Sanjay Mishra @ Sanjay Kumar Mishra vide Cr. Misc. No. 3113/2015 dated 22.04.2015 have already been rejected. The informant is himself an eye witness and further during investigation it also appears that two witnesses have seen the petitioner and other accused fleeing away from the place of occurrence.

In the facts and circumstances stated above, considering that prayer of bail of similarly situated co-accused Sanjay Kumar Mishra was rejected and as such at this stage, I am not inclined to enlarge the petitioner on bail and according such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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