

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12616 of 2016

Arising Out of PS.Case No. -189 Year- 2014 Thana -MATIHANI District- BEGUSARAI

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1. Pankaj Kunwar @ Pankaj Kumar son of Late Dev Narayan Kunwar, R/o
Village- Shankarpur, Bakhadda, P.S.- Matihani, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap

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

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

ORAL ORDER

5 16-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 302/34 of the I.P.C and section 27 of the
Arms Act.

Allegedly, the petitioner and two unknown accused
persons stopped the motorcycle of the informant and the petitioner
shot the father of the informant in his temple who was sitting on
the motorcycle at the back seat and thereafter they chased the
informant also. The father of the informant was brought for
treatment at the Sadar Hospital, Begusarai where he was declared
dead.

Submission is of false implication and that the
occurrence has taken place at 8.30 PM on 22.12.2014 but the

fardbeyan was recorded on the next morning regarding the occurrence vide Sanha No. 425 of 2014 which was registered on the basis of the information furnished by wife of the deceased wherein she has not stated the name of any miscreants and the informant due to enmity implicated the petitioner after due consultation, the petitioner is suffering in custody since 24.12.2014.

The learned A.P.P. opposes prayer for bail by submitting that the wife of the deceased was not an eye witness rather the informant is an eye witness and further the petitioner has got criminal antecedent as he is also an accused in Matihani P.S. Case No. 61 of 2015 registered under sections 302 and 120 B/34 of the I.P.C. and section 27 of the Arms Act.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 192 of 2015 arising out of Matihani P.S. Case No. 189 of 2014 pending in the court of the Additional Sessions Judge-II, Begusarai.

(Jitendra Mohan Sharma, J)

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