

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14751 of 2016

Arising Out of PS.Case No. -13 Year- 2004 Thana -FATEHPUR District- GAYA

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Ramchandra Bhagat Son of Kali Bhagat Resident of village - Nagwa Tola
Shivpur, P.S. Fatehpur, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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

3 17-05-2016 Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 13 of 2004 registered for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly the petitioner and other co-accused due
to land dispute caught Manoj Bhagat, the son of the informant in
presence of Mukesh Kumar and took away being armed with
pistol and thereafter three sound of firing was heard and the dead
body of Manoj Bhagat was found at Nagwa Pyne having firearm
injury on his cheek, temple and neck.

Submission is of false implication and that the

informant is not the eye witness of the occurrence, no one has seen killing the deceased, besides suspicion there is nothing against the petitioner, both the parties are co-villagers and have settled their dispute and as such the petitioner who is suffering in custody since 27.12.2015 deserves sympathetic consideration as there is casualty in both the sides and after lodging of this case, Fatehpur P. S. Case No. 123 of 2005 has also been lodged.

The learned APP opposes the prayer of bail by submitting that the petitioner and other co-accused took away the deceased on the point of pistol and thereafter he was killed. Post-mortem report also supported the prosecution version.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Fatehpur P.S. Case No. 13 of 2004 pending in the Court of learned Judicial Magistrate-1st Class, Gaya.

However, let the trial be expedited and concluded preferably within six months from the receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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