

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19922 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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1. Kamendra Rai Son of Bishram Rai Resident of village - Nawadih, P.S. Karakat, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh,
Mr. Amrendra Narayan Rai, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Nasriganj P.S. Case No. 163 of 2015 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner earlier caused threats to the husband of the informant to change his statement in the Court otherwise to kill him and ultimately, the husband of the informant was killed by the petitioner and others.

Submission is of false implication and the informant is not an eye witness of the occurrence, similarly other witnesses are

also not eye witness, after some days witnesses, namely, Haridwar Ram and Sanjay Kumar vide para 48 and 49 of the case diary have only stated that they have seen the petitioner fleeing away with *Katta* and Sanjay Kumar has further stated that the petitioner fired upon the deceased. The versions of two witnesses are not reliable and, as such, the petitioner deserves sympathetic consideration as he has voluntarily surrendered on 02.11.2015.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that during investigation witness, Sanjay Kumar has stated that the petitioner was the assailant of the deceased and witness, Haridwar Ram has stated that he saw the petitioner fleeing away with *Katta* and, as such, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Nasriganj P.S. Case No. 163 of 2015 pending in the Court of learned CJM, Rohtas at Sasaram.

However, let the trial be expedited and concluded as early as possible preferably within a period of nine months from the date of receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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