

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35266 of 2015

Arising Out of PS.Case No. -72 Year- 2011 Thana -BARGANIA District- SITAMARHI

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1. Ganesh Yadav @ Ganesh Rai son of Ram Bharos Rai Resident of Village
- Masha Narottam, P.S. - Barginia, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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

7 27-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 341, 302, 120 B and 34 of the I.P.C, section 27 of the Arms Act and sections 3 and 4 of the Explosive Substance Act.

Allegedly, in the occurrence the petitioner pumped bullet into the body of the son of the informant resulting he died.

Submission is of false implication and that the prosecution story appears not probable and reliable, the petitioner is the cousin of the deceased, the informant is not an eye witness but has made allegation as an eye witness, during investigation other witnesses including the mother and the wife of the deceased

have made general and omnibus allegation and as such the petitioner who is suffering in custody since 12.03.2015 deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the petitioner is the assailant and the postmortem report also corroborates the allegation.

In the facts and circumstances as stated above, considering that the petitioner is the assailant and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Baragania P.S. Case No. 72 of 2011 pending in the court of C.J.M. Sitamarhi.

However, considering detention of the petitioner let the trial be expedited.

(Jitendra Mohan Sharma, J)

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