

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51654 of 2015

Arising Out of PS.Case No. -97 Year- 2014 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Arvind Singh son of Rajendra Singh resident of Village - Padumker, P.S.
- Patahi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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

ORAL ORDER

4 20-04-2016

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 sections 302 and 120 (B) of the I.P.C, section 27
of the Arms Act and sections 3 (i) (x) (xv) and 3 (2) (v) of the
SC/ST Act.

Allegedly, Birendra Baitha @ Sonelal Baitha, the son
of the informant, had gone to attend the call of nature and
thereafter he was hearing religious song on his mobile and then the
sound of indiscriminate firing was heard and thereafter the
informant went there and saw Birendra Baitha twisting. It is
alleged that the villager Bikau Baitha has seen the occurrence and

further the informant claims to identify the petitioner fleeing away with the illegal arms and earlier he has caused threats to the deceased also.

Submission is of false implication and that the informant is not an eye witness which is evident from his earlier paragraphs, the statement of the informant is self contradictory, co-accused Shiv Shankar Singh, Pappu Singh, Guddu Kumar and Horil Singh @ Rakesh Singh have been granted bail by this Court, whereas, other co-accused, namely, Janab Singh @ Amrendra Singh, Rajan Kumar Singh, Rambabu Sah and Gagandeo Sahani have been granted bail by the learned court below itself and as such the petitioner also deserves sympathetic consideration as no one has seen the petitioner committing murder of the deceased.

The learned A.P.P. opposes prayer for bail by submitting that besides the informant Bikau Baitha has also seen the petitioner fleeing away after the occurrence and as such the case of the petitioner stands on the different footing.

In the facts and circumstances as stated above, considering that the petitioner has been identified having illegal arms when he was fleeing away after the occurrence by the informant and other eye witness also and as such at this stage I am not inclined to enlarge the petitioner on bail and accordingly his

such prayer stands rejected in connection with Patahi P.S. Case No. 97 of 2014 pending in the court of Sri R. Kumar-IV, J.M. 1st Class, Sadar Motihari, East Champaran.

However, considering detention of the petitioner, let the trial be expedited and concluded within nine months, failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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