

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53874 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Sartaj Khan son of Sardar Ahmad Khan, Resident of Village- Dumari,
Police Station- Durgawati, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Humayou Ahmad Khan

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

3 22-01-2016 Heard learned Sr. Counsel for the petitioner, learned

counsel representing the State and learned counsel for the

informant.

Petitioner seeks bail in connection with Durgawati P.S.

Case No. 139 of 2015 registered for the offences punishable under

Sections 147, 148, 149, 341, 307, 302, 504 and 506 of the Indian

Penal Code and Section 27of the Arms Act.

Allegedly, in the occurrence the petitioner shot

Naushad Khan which hit in his neck and he died instantly.

Submission is of false implication and that in the FIR it

is alleged that 16 accused persons started indiscriminate firing and

as such it appears not probable and reliable that the informant saw

the petitioner shooting the deceased Naushad Khan, the occurrence is also of 10:00 pm and there was no source of identification and as such the petitioner who is suffering in custody since 01.09.2015 deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner is the assailant and during investigation the witnesses have supported the prosecution version and further the post mortem report also corroborates the same.

In the facts and circumstances stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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