

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.669 of 2016

Arising Out of PS.Case No. -104 Year- 2015 Thana -CHAKAI District- JAMUI

1. Gautam Ram, son of Gopal Ram, resident of Village- Khaschakai, Police Station- Chakai, District- Jamui.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. P.N.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-03-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Chakai P.S. Case No. 104 of 2015 registered for the offences punishable under Sections 394, 397 and 302 of the Indian Penal Code.

Allegedly, the informant having Rs. 69,250/- and the deceased having Rs. 73,000/- were robbed by co-accused Sheru @ Sheru Miyan, tempo driver (petitioner) and one unknown (Raja) in the occurrence and the unknown person who was sitting on the back seat of the tempo shot Jamshed and the petitioner assaulted Jamshed with stone whereas Sheru was instigating to kill him and further the petitioner gave 2-3 blows with Danda to the informant and Jamshed died at the spot.

Submission is of false implication and that the petitioner

is not named in the first information report, he is aged about 32 years whereas in the first information report the description of the accused has been given as 40-45 years, the petitioner has not been put on test identification parade to which learned APP oppose by submitting that the informant in his further statement has stated the name of the petitioner as tempo driver and further unknown co-accused as Raja as the accused persons were talking to each other by taking the names and prayer of bail of co-accused Sheru @ Sheru Miyan has already been rejected.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, at this stage, 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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