

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33907 of 2016

Arising Out of PS.Case No. -52 Year- 2010 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Ram Babu Singh son of Late Kaushal Singh, resident of village- Parra, P.S.-
Birpur, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Prasad Sinha, Sr. Advocate
: Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

4 05-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for bail in connection with Sessions Trial No.38A of 2015 arising out of Khagaria (Rail) P.S. Case No.52 of 2010 registered under Sections 394 and 302 of the Indian Penal Code as well as Section 27 of the Arms Act. His prayer for bail was earlier rejected by this Court vide order dated 30th January, 2016 passed in Cr. Misc. No.52389 of 2015.

Mr. Suraj Narain Prasad Sinha, learned counsel for the petitioner has submitted that it is a case of false implication of the petitioner in the present case. As a matter of fact, the petitioner is



not named in the FIR and the FIR was instituted on the basis of information given by the victim to one Giridhar Gopal. However, at a subsequent stage, for the first time, in paragraph 65 of the Case Dairy the victim Gopal Singh, who was on inimical term with the petitioner, took name of the petitioner as one of the assailants, who had assaulted with the butt of the pistol on his head. It is further stated that the supervising authority i.e. Superintendent of Police (Rail) had himself investigated the case and had opined that it is case of false implication, but subsequently after his transfer charge-sheet was submitted against the petitioner at the instance of the Deputy Superintendent of Police, Rail. It is also submitted that the body of the deceased was never subjected to post mortem examination. It has been pointed out in course of argument that charges were framed against the petitioner on 7.4.2016.

On the other hand, learned counsel for the State has submitted that initially investigating officer had found the case against the petitioner to be true. However, the Superintendent of Police (Rail), had certainly, at a subsequent stage, doubted the involvement of the petitioner in the present case.

Be that as it may, since the charges have already been framed, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

The prosecution is directed to produce all its witnesses within six months failing which the petitioner would be at liberty to renew his prayer for before the trial court itself.

Let a copy of this order be communicated to the District Magistrate, Begusarai, the Superintendent of Police (Rail), Katihar and the Superintendent of Police, Begusari for necessary action.

(Ashwani Kumar Singh, J)

Md.S./-

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