

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51592 of 2016

Arising Out of PS.Case No. -211 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Budhan Thakur Son of Sri Chandeshwar Thakur Resident of village -
Madpa Ishwar, P.S. Majarganj, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar

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

3 19-12-2016 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 307 and 34 of the I.P.C and section 27
of the Arms Act.

Allegedly, when the informant was sitting in his shop
of stone chips, sand and cement at Mohanpur chowk and was
talking with his tractor driver, unknown person aged 25-30 years
came on the counter of the informant and started making fire on
the informant from his pistol with intention to kill him resulting
the informant sustained injury on his left shoulder, stomach and
chest etc., the informant fell down and the miscreants after
thinking the informant dead fled away along with his associates on
motorcycle. The local people brought the informant to the hospital



for treatment. During investigation in further statement the informant named the petitioner and similarly other witnesses have also named the petitioner regarding his involvement in the crime and further the petitioner has got criminal antecedent.

Submission is of false implication and that the informant has not named the petitioner initially but later on in his further statement he has named the petitioner and accordingly other witnesses have also named the petitioner which is not reliable, there are seven cases against the petitioner out of which in five cases he is on bail.

In the facts and circumstances as stated above, considering that the name of the petitioner has transpired in the further statement of the informant as well as other witnesses whose statements have been recorded in the case diary and they have supported the case of the informant, the petitioner has got criminal antecedent also and as such at present I am not inclined to release the petitioner on bail and accordingly his such prayer stands rejected in connection with Sitamarhi P.S.Case No. 211 of 2016 pending in the court of C.J.M. Sitamarhi.

(Jitendra Mohan Sharma, J)

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