

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41716 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -CHANDI District- BHOJPUR

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1. Sudhir Kumar S/o Rajan Singh @ Rajendra Prasad Singh resident of
village - Narbirpur, P.S. Chandi, District - Bhojpur Petitioner

Versus

1. The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gopal Krishna

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-10-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Chandi P.S. Case No. 34 of 2016, G.R. Case No. 2316 of 2016, registered for the offences punishable under Sections 147, 323, 324, 354(A), 307 of the Indian Penal Code and later on added Section 302 of the Indian Penal Code.

The petitioner is not named in the F.I.R., wherein it is alleged that when the mother of the informant was going with the tempo, the driver and 4-5 unknown persons started misbehaving with her and when she disclosed her identity they became angry and started assaulting her. One accused gave rod blow and threw her from the tempo and villagers told the name of tempo driver as Mithlesh Kumar and Santosh Singh. During investigation the name of the petitioner also transpires in the statement of witness Kamendra Kumar that in the tempo the petitioner was also present.

Submission is of false implication and that the petitioner is not the assailant. The assailant is Santosh Singh who gave rod blow upon the deceased and pushed her down from tempo and fled away with the vehicle. Mithlesh Kumar confessed his guilt and he has stated also the name of the petitioner and further Santosh Kumar has also confessed his guilt and also stated the name of the petitioner but these statements before the police have got no evidentiary value in the eye of law.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner was also present in the tempo which is evident from the statement of Kamendra Kumar one of the witness and earlier all have assaulted the deceased and then Santosh Singh gave iron rod blow and pushed her down from the tempo and earlier all were catching hold the lady.

In the facts and circumstances stated above, considering that the petitioner was identified by one of the witnesses Kamendra Kumar and all were catching hold the lady and assaulting her and as such I am not inclined to grant bail to the petitioner, at present, and his prayer for bail stands rejected.

(Jitendra Mohan Sharma, J)

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