

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23210 of 2016

Arising out of PS.Case No. -623 Year- 2015 Thana -FORBESGANJ District- ARRARIA

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Kamlesh Yadav, son of Raghunath Yadav, resident of village - Pothiya, P.S.
- Simraha (Forbesganj), Dist - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 03-08-2016

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is languishing in custody since 10.11.2015 in connection with Forbesganj (Simraha) P.S. Case No. 623 of 2015, corresponding to Sessions Trial No. 74 of 2016 (SC/ST Act) for the offences instituted under Sections 302/34 of the IPC, 27 of the Arms Act and 3(2)(V) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that on 07.11.2015 at 10.00 P.M., the informant and her husband were sleeping on her door. At about 1.00 hour, the informant awake on the sound of firing and she saw that accused Birendra Yadav caught hold her husband and accused Bablu Yadav fired on the head of her husband and thereafter accused Kamesh Yadav also fired on the head of her husband as a result her husband died. The informant

further alleged that on hulla the villagers came there and saw the accused persons. The reason behind the occurrence is land dispute and previously also threatened to kill her husband.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.11.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. No source of identification has been disclosed by the informant as to when the alleged occurrence is said to have taken place at 3.00 A.M.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and specific allegation of firing has been made against him and other co-accused. The post mortem report reveals two firearm injuries on the temple of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Forbesganj (Simraha) P.S. Case No. 623 of 2015, corresponding to Sessions Trial No. 74 of 2016 (SC/ST Act), pending in the court of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)