

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3605 of 2016

Arising Out of PS.Case No. -293 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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Balmukund Kumar son of Deepak Kumar Singh, resident of Village- Keel Garhara, P.S. Barauni (Garhara), District- Begusarai. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Barauni (Garhara) P.S. Case No. 293 of 2015 registered for the offences punishable under Sections 341, 323, 324, 326, 307 and 120-B/34 of the Indian Penal Code and later on Section 302 I.P.C. and Section 27 of the Arms Act have also been added.

Allegedly, the petitioner was pressurizing to compromise the case and due to refusal, the petitioner and other co-accused came with motorcycle and the petitioner and co-accused Kanhaiya Kumar pointed out pistol resulting the informant fled away and then he heard the sound of three firing and after return the informant found his brother Sunil Rai injured and one Nand Lal Sah also injured at a distance. During investigation it has come that injured Sunil Rai before his death stated to Rajesh Kumar Rai that the petitioner and Kanhaiya were

the assailants.

Submission is of false implication due to earlier dispute, other injured Nand Lal Sah has specifically stated that as it was dark night and, as such, he did not identify the culprits, the informant has not stated that his injured brother stated the name of the culprit before him and, as such, the petitioner who is suffering in custody since 14.08.2015 deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes by submitting that petitioner is named in the First Information Report and he was having pistol in his hand and further the deceased before his death stated the name of the petitioner and co-accused, Kanhaiya as assailant to Rajesh Ram, other brother of the informant and, as such the petitioner does not deserve bail.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not inclined to enlarge the petitioner on bail and, as such his such prayer stands rejected.

However, considering the detention of the petitioner, let the trial be expedited.

(Jitendra Mohan Sharma, J)

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