

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18130 of 2016

Arising Out of PS.Case No. -61 Year- 2008 Thana -JOGBANI District- ARRARIA
=====

1. Md. Zahir Son of Ahmad @ Sahmed Miya Resident of village - Jhokran,
P.S. Jogbani, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Indra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-06-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Jogbani P.S. Case No. 61 of 2008, G.R. No. 1024 of 2008 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, five persons after entering into the house of the informant and searched Shiva Nand Ram, the elder son of the informant and killed him by opening fire. The informant claimed to identify the petitioner and two others out of them.

Submission is of false implication and that the alleged identification appears not reliable, without any fault the petitioner is suffering in custody since 08.01.2016, there is no specific

allegation against the petitioner, who has fired has not been stated by the informant and, as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that this is a case of 2008 and the petitioner remained absconding, earlier prayer of bail of similarly situated co-accused Seraj @ Sutwa has already been rejected. During investigation, the witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering the allegation and further that the petitioner remained absconding and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Jogbani P.S. Case No. 61 of 2008, G.R. No. 1024 of 2008 pending in the Court of learned A.C.J.M.-1, Araria.

(Jitendra Mohan Sharma, J)

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