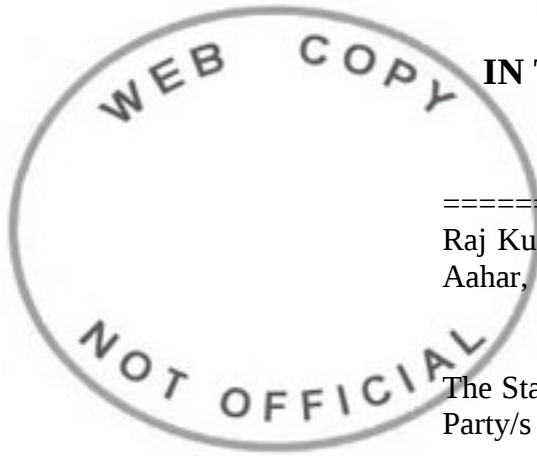




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21059 of 2016

Arising Out of PS.Case No. -20 Year- 2011 Thana -KOTHI District- GAYA

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Raj Kumar Bhuiyan Son of late Bandhu Bhuiyan Resident of Vilalge- Jari
Aahar, PS Suhail Kothi District Gaya.

... Petitioner/s

Versus

The State of Bihar
Party/s

... Opposite

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
22.12.2015 in connection with Kothi P.S. Case No. 20 of 2011 for
the offences instituted under Sections 147,148,149,431,307,353 of
the Indian Penal Code 27 of the Arms Act, 17 of the C.L.A Act
and Sections 10,11,13(1)A, 3(1)B of U.A.P Act.

The prosecution story is that the informant who was the
Officer- in- charge of Kothi Police Station, was directed by his
higher officer that members of the MCC organization called
Bandh from 15.06.2011 to 16.06.2011 against the arrest of one
Jagdish Yadav @ Masterji. On the aforesaid occasion members of



M.C.C organization may cause harm to the public property, hence the informant was directed to take appropriate steps. It is further alleged that at about 3.45 A.M after performing his duty the informant went to his residence within police station premises for taking some rest but in the meantime, he heard the sound of firing. Thereafter, the informant directed his subordinate Jawan to fire in their defence. About one hour they kept firing targeting the Jawan and Thana but after some time they went back taking advantage of darkness. It is further alleged that in the morning on secret information, the informant came to know the names of accused persons who committed such occurrence and recovered the empty cartridges accordingly, Koti P.S. Case No. 20 of 2011 was registered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.12.2015. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case due to political rivalry. There is no direct or indirect evidence against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R and being a Moist had attacked on

the local police station. The case is of the year 2011 but the petitioner was apprehended after a period of four years.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Kothi P.S. Case No. 20 of 2011 pending in the court of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya.

(Sudhir Singh, J)

Prakash/-

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