

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38317 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -GOGRI District- KHAGARIA

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Kare Khan, Son of Late Modin Khan @ Mohin Khan, resident of Village-
Ratan, Police Station- Gogri, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party : Mr. Sri Chandrasen Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 25-10-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Gogri
P.S Case No. 50 of 2016 registered for the offence punishable
under Section 302/34 of the Indian Penal Code and section 27 of
Arms Act.

Allegedly, the petitioner and co-accused Pyare Khan
took out small weapon from his waist and then Chunna Khan after
throwing the bundle of Manjaria started fleeing away, but both
fired on Chunna Khan, resulting Chunna Khan fell down and
thereafter villagers caught the petitioner whereas Pyare Khan
succeeded in fleeing away, Chuna Khan died on the spot itself.

Submission is of false implication and that the

petitioner was caught without any arm or weapon and, as such, the petitioner is not the assailant, he has been assaulted by the villagers and he was treated by the Doctor at Referral Hospital Gogri, there is no specific allegation against the petitioner, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P opposes the prayer of bail by submitting that the petitioner and Pyare Khan killed the deceased and petitioner was caught after chase by the villagers, the witnesses have supported the prosecution version during investigation.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner is serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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