

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17261 of 2016

Arising Out of PS.Case No. -202 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Umesh Prasad S/o late Motilal Yadav Resident of Panhara, Police Station Naubatpur, Distt Patna..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

For the Opposite Party/s : Mr. Nitya Nand Tiwari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 20-06-2016

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

The petitioner seeks bail in connection with Naubatpur P.S. Case No. 202 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Jyanti Devi, the wife of the deceased, lodged first information report alleging that when she was going with her husband on motorcycle the petitioner after stopping the motorcycle shot her husband in his head and other co-accused also opened fire but her husband died due to shot made by the petitioner.

Submission is of false implication and that from paragraph 3 of the case diary it reveals that earlier on the basis of Sanha the Police came at the place of occurrence and prepared the inquest report and at that time the informant was not there so this

makes the entire prosecution story unbelievable to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the inquest report and post mortem report also supports the prosecution version and the informant is herself an eye witness.

In the facts and circumstances stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

Let the trial be expedited and concluded as early as possible.

(Jitendra Mohan Sharma, J)

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