

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50986 of 2015

Arising Out of PS.Case No. -426 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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Gandhi Yadav Son of Hagina Yadav, Resident of village- Latra, P.S.-
Gopalpur, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 03-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Gopalpur P.S. Case No. 426 of 2014 registered
for offence under section 302/34 of the Indian Penal Code and 27
of the Arms Act.

In this case, victim Pinku Choudhary along with his
Appache motor cycle bearing registration no. BR 38F-0108 was
going to Naugachia and Bijay Kumar Singh was sitting behind
him. He dropped Bijay Kumar Singh in the way and said that he
will return after some time, but later on, the victim was found dead
near Sonaiya Dhar. Suspicion was raised that as the deceased had
taken away the daughter of Ajay Kr. Choudhary for marriage, was

the reason behind for incident.

This Court has called for the case diary. It appears from the case diary that the Police has investigated the matter, pick up the different materials and it was traced out that the person who is behind this incident, was regularly in touch with the deceased and the persons who are involved in the commission of crime, reached a particular point, firing was done due to that the victim succumbed to injuries.

The counsel for the petitioner submits that the name of the petitioner has transpired on the confessional statement of Sajan Singh, save and except, there is no other materials connecting the petitioner with the incident and Sajan Singh has already been granted by this Court in Cr. Misc. No. 45728 of 2015.

It appears that the order has been passed without examining the materials collected during the investigation by the Police.

This Court has called the case diary. In paragraph nos. 65, 68, 69, 75, 76, 77, 78, 79, 80, 81, 84, 93, 94, 97, 98, 100, 102 sufficient materials have been collected showing the movement of the petitioner along with other accused persons and as C.D.R. shows location of mobile of petitioner, indicates

presence of petitioner near place of occurrence.

The counsel for the petitioner submits that the mobile has not been listed in the name of the petitioner rather it has been listed in the name of Kamal Choudhary who is resident of Kahalgaon, but in the case diary, it has been stated that Kamal Choudhary resides in West Bengal and certain Sims were purchased from West Bengal as well as from the surrounding locality and acted as supplier of SIM to the petitioner and two other. Police went there but failed to arrest him.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition is dismissed. The court below is directed to complete the trial without any unnecessary delay preferably within a period of nine months, failing which, the petitioner will have liberty to renew the prayer for bail.

(Shivaji Pandey, J)

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