

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57335 of 2015

Arising Out of PS.Case No. -22 Year- 2002 Thana -NARHAT District- NAWADA

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Anil Dutt, son of Shyamdeo Singh @ Rameshwar Sharma, resident of
Chhotiya, P.S.- Khizarsarai, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 08-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Narhat
P.S. Case No. 22 of 2002 registered under Sections 302 read
with 34 of the Indian Penal Code and Section 27 of the Arms
Act.

It has been contended that though the case is of the
year 2002, initially the petitioner was not sent up for trial and a
final form, holding the accusation against him to be false, was
submitted by the police, but at the intervention of the D.I.G., the
investigation was reopened and he has been charge-sheeted

subsequently on 19.12.2009. It has further been contended that at the relevant time, the petitioner was in police service and was appointed as a bodyguard of the local M.L.A. and has been implicated in the present case due to the animosity existing between the M.L.A. with whom he was deputed and his rivals of the locality.

On the other hand, learned counsel for the State has contended that it is a case of double murder in which there is specific allegation against the petitioner and other accused persons that they repeatedly inflicted *chhura* blow on one Arbind Kumar and Santosh Kumar who succumbed to their injuries. He has further contended that due to clout of the local M.L.A., the police had initially submitted a final report holding the accusation of the petitioner to be false. On a thorough investigation, pursuant to the intervention of the superior police officers, the allegations were found to be true against the petitioner. He has further contended that during investigation, the petitioner was declared an absconder.

Be that as it may, regard being had to the serious nature of allegation in which two innocent persons lost their lives and the active role of the petitioner attributed in the FIR in commission of the crime, which has been corroborated by the

witnesses examined during investigation and the medical reports by the doctor, who conducted the post mortem examinations on the two dead bodies, I am not inclined to grant bail. Accordingly, the application for bail is rejected.

In case, the case has not been committed to the court of Sessions, the learned Jurisdictional Magistrate, before whom the matter is pending, is directed to commit the case to the Court of Sessions for trial forthwith.

(Ashwani Kumar Singh, J.)

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