

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32288 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

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Bishnu Baitha Son of late Ram Balak Baitha Resident of village- Pyarepur,
P.S.- Baikunthpur, Dist.-Gopalganj.

.... 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 : Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-08-2016 Heard Sri Rajesh Kumar, learned counsel for the

petitioner and Smt. Pronati Singh, learned A.P.P.

The sole petitioner, who is in custody since 22.7.2015
in Baikunthpur P.S. Case No. 173 of 2015 registered for the
offence under section 302/ 34 of the Indian Penal Code and
Section 27 of the Arms Act and Section 17 of the C.L.A. Act
corresponding to Sessions Trial No. 167 of 2016 has prayed for
grant of bail.

It was submitted by learned counsel for the petitioner
that of -course informant in the F.I.R. has pretended to be eye
witness to the occurrence but according to learned counsel for the
petitioner informant had not seen the occurrence. Maliciously
petitioner has been implicated in the present case.

Learned A.P.P. opposing the prayer of the petitioner submits that petitioner is having criminal antecedent and he was accused in Baikunthpur P.S. Case No. 234 of 2013 registered for the offence under section 147, 148, 149/ 34, 341, 342, 323, 379, 427, 437, 109, 307 of the Indian Penal Code, section 27 of the Arms Act and 3/4 of the Explosive Substances Act and Section 17 of the C.L.A. Act. She submits from the F.I.R. it is evident that informant is the eye witness and petitioner is the main accused.

Keeping in view the nature of accusation, F.I.R. as well as antecedent of the petitioner, I am not inclined to grant bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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