

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4286 of 2016

Arising Out of PS.Case No. -104 Year- 2015 Thana -CHAKAI District- JAMUI

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Raj Kumar Ram @ Raja, son of Gopal Ram, resident of village- Khas Chakai, P.S.- Chakai, District- Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay,
Advocate

For the Opposite Party/s : Mr. Sangita Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-03-2016 Supplementary affidavit has been filed on behalf of the petitioner, which is kept on record.

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

The petitioner seeks bail in connection with Chakai P.S. Case No. 104 of 2015 registered for the offences punishable under Sections 394, 397 and 302 of the Indian Penal Code.

Allegedly, the informant having Rs. 69,250/- and the deceased having 73,000/- were robbed by co-accused Sheru @ Sheru Miyan, tempo driver (Gautam Ram) and one unknown (the petitioner) in the occurrence and the unknown person (the petitioner) who was sitting on the back seat of the tempo shot

Jamshed and Gautam Ram assaulted Jamshed with stone whereas Sheru was instigating to kill him and further, gave 2-3 blows with Danda to the informant and Jamshed died at the spot.

Submission is of false implication and that the petitioner is not named in the First Information Report, he is aged about 22 years whereas in the First Information Report the description of the accused has been given as 40-45 years, the petitioner has not been put on Test Identification Parade, and as such, the petitioner deserves sympathetic consideration, to which the learned APP opposes by submitting that the informant in his further statement has stated the name of the petitioner as the accused persons were talking to each other by taking the name and the petitioner is the assailant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, at this stage, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Chakai P.S. Case No. 104 of 2015, pending in the court of learned Judicial Magistrate, 1st Class, Jamui.

(Jitendra Mohan Sharma, J.)

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