

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13217 of 2016

Arising Out of PS.Case No. -153 Year- 2014 Thana -SALKHUA District- SAHARSA

1. Ajit Yadav Son of Photo Yadav resident of Village Raghunathpur P.S. Sahebpur Kamal, District Begusarai at present Village Kharoriya P.S. Salkhua, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 19-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 302 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, in the occurrence the petitioner and co-accused Sachin Yadav opened fire upon the husband of the informant which hit his right rib cage. The informant due to fear did not intervene and in the morning she came with the villagers and saw the dead body.

Submission is of false implication and that the prosecution story as propounded appears not probable and reliable,

it is not believable that the informant being an eye witness will go to her house and after the occurrence will return in the morning at the place of occurrence and further the postmortem report also does not corroborate the prosecution version as only one wound of entry and one wound of exit were found on the person of the deceased and the petitioner is suffering in custody since 23.06.2015.

The learned A.P.P. seriously opposes prayer for bail by submitting that the petitioner is one of the assailant and the informant due to fear after the occurrence fled away to her house.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Salkhua P.S. Case No. 153 of 2014 pending in the court of C.J.M. Saharsa.

However, let the trial be expedited and concluded preferably within a period of nine months from the date of receipt/production of a copy of this order.

Abhay/-

(Jitendra Mohan Sharma, J)

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