

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.130 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -KARJA District- MUZAFFARPUR

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1. Shambhu Paswan @ Shambhu Kumar Son of Sri Ramashray Paswan,
Resident of Village - Chamarua, P.S. Karja, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : Mr. Anil Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 29-02-2016 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel,
appearing for the informant.

Petitioner is named in the first information report on
the accusation that he threw bomb, causing death of informant's
brother as well as one innocent child.

Contention on behalf of the petitioner is that informant
is not an eye witness of the alleged occurrence and as a matter of
fact, when police reached on the place of occurrence, the
informant was not present there as had the informant been present
on the place of occurrence, he would have, certainly, informed the



police about the occurrence just after their arrival but the inquest report of the deceased was prepared at 10.30 a.m. and fardbyan of informant was recorded at 12.40 p.m. which goes to show that the informant was not present on the place of occurrence. It is further submitted by learned counsel, appearing for the petitioner that except the informant, none has stated about involvement of the petitioner and as a matter of fact, on the alleged date of occurrence, the petitioner was in Delhi.

From perusal of the case diary, I find that the informant as well as one, Nawal Kishore Sahi, who happens to be brother of the informant, too, supported the alleged occurrence. So far as rest witnesses are concerned; they have supported the prosecution story though they have not named the petitioner rather stated that some unknown persons had thrown bomb on the deceased persons.

Regard being had to the facts and circumstances of the case as well as submission of the parties, particularly, keeping in mind that at least, two witnesses have claimed to have seen the occurrence and specifically, stated that it was the petitioner, who threw bomb on the deceased, I am not inclined to release the petitioner on bail at least, at this stage and accordingly, his prayer for bail in connection with Karja P.S. Case No. 85 of 2015

pending in the court of learned Chief Judicial Magistrate,
Muzaffarpur stands rejected.

(Hemant Kumar Srivastava, J)

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