

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14332 of 2017

Arising Out of PS.Case No. -582 Year- 2013 Thana -SAHARSA District- SAHARSA

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1. Md. Rinka @ Md. Akbar, Son of Md. Ibrahim, Resident of Village-
Roopnagra Ward No. 40, P.S. & District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Ahmad Ali

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 04.01.2017 in connection with Saharsa Sadar P.S. Case No. 582/13 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code. Later on Section 302 IPC has been added.

The allegation against the accused including the petitioner is to have come to the field of the informant, where the informant and others were sowing potato. Informant and others were assaulted by the accused which caused injury to them and out of them Md. Fijol became senseless and he was referred to PMCH where he succumbed to the injury.

It has been submitted by the learned counsel for the



petitioner that he is innocent, has no criminal history and has been falsely implicated due to land dispute amongst both the parties, who are villagers. He submits that as many as 14 persons have been named in the First Information Report and petitioner has been falsely implicated and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that some of the co-accused have been acquitted by the learned Addl. Sessions Judge-III, Saharsa in Sessions Trial No. 2307/2014 on 07.04.2016.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner is the main assailant and the informant is an eye-witness to the alleged occurrence.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Saharsa Sadar P.S. Case No. 582/13, pending in the court of learned Chief Judicial Magistrate, Saharsa.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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