

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35259 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -ITADHI District- BUXAR

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Shera Hussain Son of Jumman Hussain, R/o Village- Kukudha, P.S.- Itarhi,
District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Itarhi P.S. Case
No. 101 of 2016 for offences punishable under Sections 302/34 of
the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he heard halla and was informed that his aunt and uncle has
been killed by fire arms. The daughter of his uncle and aunt
Rehana Khatoon who is eye witness of the alleged occurrence
stated that petitioner and other co-accused have killed both the
uncle and aunt of the informant and specific allegation is upon the
petitioner in the F.I.R.

It has been submitted by the learned counsel for the



petitioner that he is innocent and because of land dispute such allegations have been levelled against the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is alleged to be main assailant.

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 Itarhi P.S. Case No.101 of 2016 pending in the court of learned Additional Chief Judicial Magistrate-II, Buxar.

The application is, accordingly, rejected.

Since the petitioner is in custody for one year, the learned court below is directed to proceed with the case expeditiously.

(Nilu Agrawal, J)

Devendra/-

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