

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27854 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -ALOU LI District- KHAGARIA

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1. Ganesh Chaupal Son of Kari Chaupal @ Kari Tanti @ Kari Das resident of Village - Rampur Alauli (Tirashi), Police Station - Alauli, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar, Advocate
For the informant : Mr. Pankaj Kumar, Advocate
For the State : Mr. Sri Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-07-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 10.01.2017 in a case registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code and 27 Arms Act.

The prosecution case as lodged by the informant is that there is a scuffle between the informant's husband and accused persons, who were constructing his house on the share land of the informant upon which the accused persons fired upon the husband of the informant, which hit upon the cheek of her son Mithun Kumar and when her husband began to lift his son, the petitioner again made fired which hit upon the stomach of her husband as a result of which her husband sustained serious injury,



carried to the P.H.C., Alauli and thereafter referred to Sadar Hospital, Khagaria.

It has been submitted by the learned counsel for the petitioner that he is innocent and there was a property dispute between both parties as they are agnates and that a counter case has also been lodged by the petitioner's side bearing Alauli P.A.Case No. 103 of 2016 and occurrence on the same day. It is further submitted that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence and that he bears no criminal history.

However, learned A.P.P. for the State submits that the informant is an eye witness of the alleged occurrence, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant privilege of bail to the petitioner at the stage in connection with Alauli P. S. Case No. 101 of 2016, pending in the Court of learned Chief Judicial Magistrate, Khagaria.

The bail application is accordingly, rejected.

The petitioner may renew his prayer for bail after six months if the trial is not completed by that time.

(Nilu Agrawal, J)

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