

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2766 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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Tunna Rai, son of Kira Rai, resident of village Bangri, P.S. Kanti, District
Muzaffarpur

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Mukund Mohan Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-09-2017 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal has been filed for grant of bail in connection with Kanti P.S. Case No. 105 of 2017 registered for the offences punishable under Sections 323, 341, 307/34, 302 of the Indian Penal Code, 27 of the Arms Act and 3(i)(x) of SC/ST Act and for setting aside the order dated 9.8.2017 passed by 10th Additional Sessions Judge-cum-Special Judge, SC/ST Act Muzaffarpur.

Appellant is not named in the FIR and allegation as per FIR is that three persons came on motorcycle, which was driven by appellant and pillion rider has fired on the informant causing his death.

Submission of learned counsel for the appellant is that no specific allegation has been attributed against the appellant except that he had driven the motorcycle and pillion rider has fired



causing death of deceased and he is in custody since 27.7.2017. Further submission is that earlier appellant has lodged a case against the informant with respect to murder of his brother, which will appear from Annexure-2 and, as such, he has falsely been implicated in this case.

Learned Special P.P. has opposed the prayer for bail stating that appellant has active role in the murder of informant and furthermore he has criminal antecedents also.

Having heard both sides and in view of facts and circumstances, I am not inclined to grant bail to the appellant.

However, once charge sheet has been submitted in this case against the appellant, he will be at liberty to renew prayer for bail and the court below will consider the bail application on the basis of materials available on record and if there is no material except he had driven the motorcycle and he has no criminal antecedent, he will be released on bail by the court below to its own satisfaction.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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