

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41775 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Rajesh Kumar Son of Ram Autar Singh, R/o Village- Turki, P.S.- Agrer,
District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-11-2017 Heard the learned counsel for the petitioner learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.05.2017 in connection with Nasriganj P.S. Case No. 36/2017,
for the offences punishable under Sections 307 and of the Indian
Penal Code and section 27 of the Arms Act.

The prosecution case as lodged by the informant is that
while he was going along with his friend (petitioner) on a
motorcycle to see a dance show, on mid-way, he also took another
person. While they stopped the motorcycle for natural call, the
informant was shot by the petitioner on his chest twice. He
managed to run in the field to save his life.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and because there was an allegation of his having illicit relation with the informant's wife he has been falsely implicated. It is further submitted that in the F.I.R. and re-statement of the informant there are lot of contradictions which falsifies the prosecution story. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses of the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the victim is himself the informant whom the petitioner had fired twice by fire-arm. The injury report also shows two fire-arm injuries and the informant was referred to the higher centre at B.H.U. where injury has been opined to be grievous and dangerous to life.

Considering the facts and circumstances and materials on record, I am not inclined to grant privilege of bail to the petitioner named above. Accordingly, the application is rejected.

(Nilu Agrawal, J)

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