

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5791 of 2017

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

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1. Md. Eftekhari Khan @ Raja @ Md. Raja Son of Md. Nijam Resident of
Mohalla- Shah Ke Emli P.S., Khajekala, District- Patna,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-03-2017 Heard the parties.

This application is for grant of bail in connection with Kadam Kuan P.S. Case No.367 of 2015 for the offence under Sections 302/120(B) of the Indian Penal Code and 27 of the Arms Act.

It is submitted on behalf of the petitioner that the name of the petitioner transpires in the case on the basis of confidential information by a Spy and except; that there is nothing against the petitioner. So far his identification in the C.C.T.V. Camera is concerned, there was broad place and it is not possible to identify the petitioner making firing. Secondly, it has been submitted that photograph has been shown to the father of the petitioner and his father has identified him but it does not show that he was making



firing. It is also submitted that the petitioner is in custody for about one year. Other three co-accused named in the F.I.R. have been granted bail by the various orders of this Court.

Heard learned A.P.P. as well as the learned counsel for the informant. The learned counsel for the informant has submitted that Para No.123 and 142 and some other paragraph clearly shows hands of the petitioner and he has been identified by the other co-accused persons in the C.C.T.V. Camera and the photograph was also identified by the father of the petitioner. Some other co-accused, having similar allegation, have been refused bail by this Court.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner, as such the prayer for bail of the petitioner is rejected, however, the learned trial court is directed to expedite the trial of the case and try to conclude it as soon as possible.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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