

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27407 of 2017

Arising Out of PS.Case No. -145 Year- 2015 Thana -NAUGACHIA District- BHAGALPUR

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1. Punkesh Singh son of Shankar Singh Resident of Village- Sarsi, P.S.-
Sarsi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 09.10.2016 in connection with Sessions Trial No. 117/17, arising out of Naugachia P.S. Case No. 145/2015 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 brother of the deceased, is that he and his brother were studying in G.B. College, Naugachia and his deceased brother was in B.A. Part-I. For few days he was saying that we have to change the rental house and found another rental house. On the fateful day, he had gone with his friend Sami to the new rental house and on the way he went to a barber shop. While coming out from the barber shop three persons in a motorcycle came and after some verbal dispute they



fired and ran away. The informant's brother named the petitioner and one another to have fired on him and succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has falsely been implicated in the aforesaid case. He submits that due to inimical terms the petitioner has been falsely implicated and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the informant was an eye-witness to the alleged occurrence and the barber has also seen the occurrence.

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 Sessions Trial No. 117/17, arising out of Naugachia P.S. Case No. 145/2015 pending in the court of learned 1st Addl. Sessions Judge, Naugachia, Bhagalpur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

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