

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29924 of 2017

Arising Out of PS.Case No. -140 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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1. Tapan Kumar Das Son of Rajendra Das, Resident of Village-Rangpur,
P.S. Balrampur, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in custody since 04.01.2016 in
connection with S.T. No. 129/2016, arising out of Balrampur P.S.
Case No. 140/2015 for offences punishable under Sections 302,
324, 307, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with one Raju Das came to his house in
the evening and after having food they slept with his father on the
verandah. His step-mother Sitola Devi along with his 12 year old
sister Rupali Kumari was sleeping in a room and petitioner was in
the other room. At 1.30 in the night he heard the screaming sound



of his mother and saw his mother drenched in blood and the petitioner along with Raju Das was assaulting his mother with knife. He went to his father and found his father also seriously injured and blood oozing from his skull. Thereafter the petitioner and other accused assaulted the informant giving him knife blow but he managed to escape. It is further alleged that as a result of assault both his father and step-mother succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case being the nephew of the deceased father of the informant. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that trial has already begun.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye-witness to the alleged 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 S.T. No. 129 of



2016, arising out of Balrampur P.S. Case No. 140/2015.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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