

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55118 of 2017

Arising Out of PS. Case No.-23 Year-2016 Thana- BARABAR TOURIST District- Jehanabad

Kamlesh Paswan @ Kamal Jee, S/o Chandrika Paswan, resident of Village-
Fatehpur, P.S.- Mahkar, Dist.- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. ABHAY KUMAR – 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-11-2017 Heard Sri Nitya Nand Neeraj, learned counsel for the
petitioner and Sri Abhay Kumar, learned Addl. Public
Prosecutor.

This is third attempt for grant of bail on behalf of the
petitioner in connection with Barabar Paryatan P.S. Case
No.23/2016 (arising out of S.T.No.443 of 2016/129 of 2016)
registered for the offence under Sections 147, 148,149, 323,
341, 435, 307,386 of the Indian Penal Code, Section 27 of the
Arms Act, Section 17 C.L.C. Act and under Sections
16,17,18,18(a),20 of the U.A.P. Act, 1967.

Learned counsel for the petitioner submits that during trial,
the informant was examined as P.W.1, however he turned hostile
and, as such, learned counsel for the petitioner submits that this
is the changed circumstance for renewing the prayer for bail.



Sri Abhay Kumar, learned Addl. Public Prosecutor, opposing the prayer for bail, submits that the prayer for bail of the petitioner was initially rejected, primarily on two counts; firstly seriousness of accusation and secondly criminal antecedents of the petitioner. He submits that the petitioner is also accused of serious offence like the present case and due to the said reason, twice the prayer for bail of the petitioner was rejected.

The Court is of the opinion that though the informant turned hostile during trial, fact remains that he was examined as P.W.1 and this Court, while hearing the bail petition, may not appreciate the evidence, which has been brought on record before this Court. During the trial, appreciation of evidence may be seen by the trial court not by this Court.

Accordingly, the prayer for bail of the petitioner stands again rejected.

(Rakesh Kumar, J)

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