

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14511 of 2017

Arising Out of PS.Case No. -40 Year- 2013 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. SHARUKH KHAN @ SHAHRUKH KHAN, Son of Javed Khan @
Jauad Khan, resident of village - Ratanpura, P.S. Sherghati, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-04-2017 Heard the parties.

This application is for grant of regular bail in connection with M.M.C.H.P.S.Case No.40 of 2013 for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is not named in the F.I.R., however, later on during the course of investigation by the C.I.D., his name transpired in the case.

It is submitted on behalf of the petitioner that he has been falsely implicated in this case and the informant in Para 83 of the case diary has stated the petitioner was present at the place of occurrence but the informant is not eye witness in this case. It is further submitted that in para 91 to 93 and Para 128 of the case diary, the witnesses have stated about presence of the petitioner



but no specific allegation of assault has been mentioned against the petitioner and except that there is nothing against the petitioner. He is in custody for more than six months.

Heard learned A.P.P. also, who has opposed the prayer for bail stating that in Par 83 of the case diary the witnesses have stated that the petitioner was present at the place of occurrence surrounding the deceased and further para 91 to 93 as well as para 128 of the case diary clearly shows presence of the petitioner surrounding the deceased just before the occurrence and he has criminal antecedents also.

Having heard both sides and in view of the facts and circumstances, as stated above, 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 petitioner.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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