

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42287 of 2017

Arising Out of PS.Case No. -67 Year- 2017 Thana -SALKHUA District- SAHARSA

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Hemant Kumar Sajan Son of Late Kumod Kumar Jha, R/o Village- Golma,
P.S.- Sour Bazar (Patarghat O.P.), District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.
Mr. Arun Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.04.2017 in connection with Salkhua (Banma Ithari O.P.) P.S.
Case No. 67 of 2017 for offences punishable under Sections 307,
333, 353, 393, 120(B)/34 I.P.C. and Section 25 (1-b) A, 26, 27,
29, 35 of Arms Act.

The prosecution case, as lodged by the informant police
personnel, is that while they got information that some criminals
have assembled, the police reached the place of occurrence. While
two persons managed to flee away, the petitioner was apprehended
who fired from his pistol upon the police which misfired. From



search one loaded pistol with two live cartridges and one fired cartridge was recovered from his possession. A motorcycle was found nearby for which he could not show any papers.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that his confessional statement before the police which has no evidentiary value in the eye of law and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as two cases are pending against him. He further submits that the on seeing the police the petitioner fired upon them although it misfired.

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 Saklhua (Banma Ithari O.P.) P.S. Case No.67 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-II, Saharsa.



The application is, accordingly, rejected.

However, the petitioner may renew his prayer for bail
after framing of charge or after six months whichever is earlier.

(Nilu Agrawal, J)

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