

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41944 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -GARKHA District- SARAN

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Ratanesh Rai Son of Sri Bhagawan Rai Resident of Village- Esamailpur,
Police Station Garakha, District Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 29.04.2017 in
connection with Garakha P.S. Case No. 185 of 2017
corresponding to G.R. No. 2947 of 2017 for offences punishable
under Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is that
when he heard some sound he woke up and found the petitioner
running away with country made pistol. He found his brother injured
by gunshot injury who during course of treatment succumbed.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and there is no eye witness to the alleged occurrence as the petitioner had only been seen running by the informant. He submits 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.

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 Garakha P.S. Case No. 185 of 2017 corresponding to G.R. No. 2947 of 2017 pending in the court of learned Additional Chief Judicial Magistrate, 5th Saran at Chapra.

The application is, accordingly, rejected.

The petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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