

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13116 of 2017

Arising Out of PS.Case No. -321 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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1. RAMBABU PRASAD RASTOGI @ RAMBABU PRASAD, S/o Late Prabhu Prasad Rastogi, resident of Village Majorganj, P.S. Majorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-04-2017 The petitioner is in custody since 14.11.2016 in connection with Majorganj P.S. Case No. 321 of 2016, registered for offences punishable under Sections 307, 34 and 302 Indian Penal Code.

Allegation against the petitioner is that he sprinkled kerosene oil on the deceased and set him on fire, due to which he died.

It has been submitted on behalf of the petitioner that during the course of investigation, it has come that none of the witnesses have supported the case of the prosecution. Further it has come that auto driver and driver of the van has also asked the deceased about the incident but the deceased did not disclose the name of the petitioner. It has also been submitted that no



incriminating material was found on the place of occurrence. Petitioner has falsely been implicated in this case and has been in judicial custody since 14.11.2016.

Learned counsel for the State opposed the prayer for bail and submitted that in this case, there is dying declaration of the deceased, in which he has named the petitioner as accused and since the deceased was a teacher and has beaten the petitioner's son and due to which present occurrence took place.

Having heard both sides, in view of the fact that deceased in his dying declaration has specifically named this petitioner as accused, as such, I am not inclined to grant the petitioner privilege of regular bail, his prayer for bail is accordingly rejected.

(Vinod Kumar Sinha, J)

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