

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49608 of 2017

Arising Out of PS.Case No. -149 Year- 2017 Thana -RIVILGANJ District- SARAN

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Ram Bihari Singh son of Late Bachha Singh, resident of Village- Nayka
Barka Baiju Tola, P.S.- Revilganj, District- Saran at Chapra (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.06.2017 in connection with Revilganj P.S. Case No. 149 of
2017 for offences punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his brother Umesh Singh was at his betel shop and
he was standing nearby, he heard a sound of firing and when he
went to his brother's shop he found large number of people
assembled and his brother shot on the chest who died on the spot.



It is alleged that both petitioner and the informant's side are Patidar and there was previous enmity and a case was lodged in 2014 against murder of his niece for which petitioner were pressurizing to withdraw the case.

It has been submitted by the learned counsel for the petitioner that he is innocent, no such occurrence took place and that the petitioner bears no criminal history. He submits that there is no eye witness to the alleged occurrence, 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 it was a cold blooded murder and the petitioner was seen fleeing away from the place of occurrence and that one of the brothers of the deceased had seen the occurrence.

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 Revilganj P.S. Case No. 149 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-VIIIth, Saran at Chapra.

The application is, accordingly, rejected.



However, the petitioner may renew his prayer for bail
after framing of charge.

(Nilu Agrawal, J)

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