

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30141 of 2017

Arising Out of PS.Case No. -64 Year- 2013 Thana -RAMKRISHNANAGAR District- PATNA

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Shiv Gope @ Shivjee Yadav @ Shivjee Prasad, Son of Late Ravindra Prasad, Resident of Village Barbigha; P.S. Dhanarua, District Patna, At present East Laxmi Nagar Khemnichak; P.S. Ram Krishnanagar; District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

16 24-01-2018

Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of the informant.

Petitioner, already in custody, seeks bail in connection with Ram Krishna Nagar P.S. Case No.64 of 2013, registered under Sections 448/436/34 of the Indian Penal Code.

Allegation in brief is that the petitioner and others named in the FIR after locking the house of the informant brought the cot and bed outside the house and set fire. It is also alleged that earlier in order to capture the house the informant's brother was murdered.

Learned counsel for the petitioner submits that the informant is not the eye-witness, only suspicion is raised and similarly situated accused Murlidhar Pandey has been admitted to anticipatory bail by a coordinate Bench of this Court by order dated



12.08.2014, passed in Cr. Misc. No.22466 of 2014 and the petitioner was apprehended by the police on 27.03.2017 but still charge has not been framed. Learned counsel for the petitioner also submits that earlier the petitioner had filed the application giving statement of 12 criminal antecedents but inadvertently left to mention 4 other cases. Earlier the petitioner also moved anticipatory bail before the Court in the year 2015 but could not surrender, however, he is in custody for last ten months.

Learned counsel appearing on behalf of the informant submits that this petitioner has large number of criminal antecedents and the fact was suppressed by him regarding his criminal antecedents besides in other criminal cases he made false statement regarding bail in this particular case.

Having considered the said facts and circumstances, at present the prayer of bail of the petitioner is rejected in connection with Ram Krishna Nagar P.S. Case No.64 of 2013, pending in the court of learned Judicial Magistrate, 1st Class, Patna with a direction that the petitioner may renew his prayer of bail after framing of charge in this case.

(Arun Kumar, J.)

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