

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58271 of 2018

Arising Out of PS. Case No.-180 Year-2005 Thana- BETTIAH CITY District- West
Champaran

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Belal Mian @ Samsur Rahman, son of Late Ajijul Rahman, Resident of
Mohalla- Mahawat Toli, Post & Police Station- Bettiah, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in connection
with Bettiah Town P.S. case No.180 of 2005 registered under
Sections 302/34 of the Indian Penal Code and Section 27 of the Arms
Act, pending in the court of C.J.M., West Champaran at Bettiah.

The prosecution case, in short, is that two unknown persons
pulled out pistol from the pocket and shot fire on Ravi Krishna
Jhunjhunwala, which hit upon his chest, due to which he fell down
and was taken to the Hospital, where he was declared dead.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is not named in the F.I.R. His name has
come in course of investigation on confession of co-accused. Except



for confession of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The eye witnesses to the alleged occurrence have not named the petitioner. It has further been submitted that the other co-accused has already been acquitted by the Trial Court and some of the other co-accused have been granted anticipatory bail.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. The name of the petitioner has come in course of investigation. The case is of the year 2005. The inordinate delay in filing the present application has not been explained by the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order taking account the submissions advanced on his behalf.

(Sudhir Singh, J)

Narendra/-

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