

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26295 of 2018

Arising Out of PS.Case No. -139 Year- 2015 Thana -BUNIADGANJ District- GAYA

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1. Dharmendra Kumar @ Sukhi Singh, son of Sri Hazari Prasad Singh @ Hazari Singh, resident of Village- Nanauk, Police Station- Buniyadganj in the district of Gaya, presently residing at Manpur, Police Station- Gaya Muffasil in the district of Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv
: Mr. Bimal Kumar, Adv
For the Opp. Party No.2 : Mr. Sunil Kumar Yadav, Adv.
For the State : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 18-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341,307,302,387/34 of the Indian Penal Code and Section 27 of Arms Act.

According to FIR, the petitioner is main assailant of the deceased and the informant is eye witness of the occurrence. Petitioner is in custody since 21.06.2017.

Report of the learned Trial Judge reveals that the case is pending for commitment, for the reason that investigation against some other co-accused is pending or further investigation on the order of superior police officer is



going on. The family members of the deceased have supported the allegation as eye witnesses of the occurrence.

Submission of the learned counsel for the petitioner is that during investigation, many witnesses stated before the police that due to rivalry for lifting the sand, some unknown person committed the murder and implication of the petitioner is due to enmity. It is further stated that the petitioner has no concern with the contract of lifting the sand from the riverbed.

Considering the nature of allegation and material available on the record, I am not inclined to enlarge the petitioner on bail in connection with Buniyadganj Police Station Case No. 139 of 2015 pending in the court of learned Sub Divisional Judicial Magistrate, Gaya/successor court.

Hence, prayer for bail is refused.

Let the learned trial court take step for early conclusion of the trial. The learned court below may separate the case of the petitioner from others, if required, and proceed according to law.

(Birendra Kumar, J)

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