

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45285 of 2018

Arising Out of PS.Case No. -38 Year- 2016 Thana -KOTHIGRAM District- GAYA

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1. Shane Ali Khan, Son of Late Jangli Khan, Resident of Village-Samsabad, P.S.- Imamganj, Distt- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 01-10-2018 The petitioner is in custody since 28.10.2016 in connection with Kothi P.S. Case No. 38 of 2016, registered for offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegation as per F.I.R. against the petitioner is of committing murder of officer Incharge of Kothi police station and it further appears that petitioner is accused in 12 other cases of different Sections including 302 of I.P.C.

Submission of learned counsel for the petitioner is that except suspicion, there is absolutely nothing against the petitioner. The people has given physical features of the accused, but they have not been brought to identify the accused in Test Identification Parade and later on two persons brought who were



toddy tappers, who disclosed that it was the petitioner who caused death of the police officer and even the phone numbers were available, but CDR has also not disclosed that he was present there and moreover petitioner is in custody since 28.10.2016.

Heard learned A.P.P. also, who opposed the prayer for bail of the petitioner stating that the petitioner is a hardened criminal and nobody suppose to depose against such a person and the police only after taking the villagers in confidence, collected the materials in which two persons have also named the petitioner and there is confessional statement of the accused, apart from that the motorcycle used in the occurrence also belonged to the petitioner.

Having heard both sides and considering the aforementioned facts and circumstances, I am not inclined to enlarge the petitioner on bail. However, learned Trial Court is directed to expedite the trial.

(Vinod Kumar Sinha, J)

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