

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39380 of 2018

Arising Out of PS. Case No.-75 Year-2015 Thana- KISHUNPUR District- Supaul

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Laltu Das, S/o Ramdeo Das, a resident of Village- Tharbitta, P.S.- Kishanpur,
District- Supaul, at present Village- Latona, P.S.- Triveniganj, District-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.

For the Opposite Party/s : Smt. Gulnar Begam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.05.2018 in connection with Kishanpur P.S. Case No. 75/2015
for offences punishable under Sections 302/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he was sleeping in the night he saw the petitioner
along with two other co-accused entered the room. It has been
alleged by the informant that a gun shot firing was made by the
petitioner and two others on his mother, who received injury on
her cheek. The informant saw the petitioner along with two
others running from the room of his mother. While being treated



the mother of the informant succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that although the date of occurrence is 27.03.2015 but FIR has been lodged on 08.05.2015 and no plausible explanation has been given for such delay. He further submits that petitioner has been made accused only on suspicion, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the fardbeyan was written on 27.03.2015 on the date of occurrence but it was forwarded to the concerned police station of competent jurisdiction. A counter case being Kishanpur P.S. Case No. 36 of 2013 was lodged against the informant and his father, that is why the present case has been lodged after one and a half months. He further submits that the informant has seen the petitioner along with two others coming out from the room of his mother.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner in connection with Kishanpur P.S. Case No.



75/2015, pending in the court of learned Chief Judicial
Magistrate, Supaul.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/Pragya

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