

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18563 of 2018

Arising Out of PS.Case No. -251 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Sharma Yadav, S/o Siya Sharan Yadav, Resident of Village- Musepur,
Police Station- Rahui (Bhaganbigha), District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

The petitioner has been in custody since 15.09.2017
in connection with Rahui (Bhagan Bigha) P.S. Case No. 251/2017
registered for the offences punishable under Sections 341/147/148
/149/324/302/201/34 of the Indian Penal Code.

Diary in the present case was called for which has
since been received.

Learned counsel for the petitioner submits that the
petitioner has been taken into custody on mere suspicions and
there is no material worth the name in the case diary to implicate
him in connection with the present case.

However, learned counsel appearing on behalf of the



informant has pointed out to several paragraphs of the case diary including paragraph No. 5 wherein one of the eye-witnesses has submitted that the petitioner along with others has participated in attacking the deceased and, thereafter, his body was found from a ditch where the petitioner's *Gamcha* was also recovered.

Considering the fact that the bail application of one other similarly situated co-accused whose Gamcha was also recovered from the ditch and the petitioner's case is identical to that as described by the independent witness in paragraph No. 35, I am not inclined to grant regular bail to this petitioner. It is accordingly rejected.

The petitioner may, however, renew his prayer for bail after framing of charge.

(Anjana Mishra, J)

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