

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17502 of 2019

Arising Out of PS. Case No.-317 Year-2018 Thana- KHAJEKALA District- Patna

CHHOTU @ MD. SAIF Son of Md. Yousuf Resident of Village - Barkat
Khan ka Akhara, P.S.- khajekalan, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 22-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is accused in connection with
Khajekalan P.S. Case No. 317 of 2018 corresponding to
Sessions Trial No. 813 of 2018 registered under section 302/34
of the I.P.C. and section 27 of the Arms Act pending in the Court
of Additional Sessions Judge-VII, Patna City, Patna.

Submission of learned counsel for the petitioner is
that petitioner is in custody since 19.11.2018. He is innocent and
has falsely been implicated in the present case. Only on the
basis of suspicion, petitioner has been made accused. Further
submission is that petitioner has no criminal antecedent.

Learned A.P.P. appearing on behalf of the State
vehemently opposed the prayer of the petitioner by contending



that in course of investigation, the active participation of the petitioner has come in the alleged occurrence. On perusal of paragraph no. 129 of the case diary, it appears that the petitioner has confessed his guilt about firing upon the deceased. The used pistol has also been recovered from his possession, as detailed in the seizure list. Hence, the petitioner does not deserve privilege of bail.

Having considered the above facts and circumstances of the case and nature of allegation, this Court is not inclined to grant bail to the petitioner. Accordingly, this application is rejected.

(Arvind Srivastava, J)

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