

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56078 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- BALIYA District- Begusarai

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Guddu Mishra, S/o- Ramanand Mishra, Resident of Village- Gokhale Nagar
Bishanpur, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 30.01.2018
in a case registered for the offences punishable under Sections
302/34 of the IPC and Section 27(3) of the Arms Act.

The prosecution case, as per the fardbeyan of Raman
Kumar, recorded by Sunil Kumar, Inspector of Police, Baliya
Police Station on 28.01.2018 is to the effect that on
27/28.01.2018 at 12 A.M., in the mid night, the informant, along
with his brother, Amindev Kumar and mother, Rupam Devi was
sleeping in a room, in the meantime, the petitioner entered into



the room, dragged the mother of the informant in the courtyard and resorted to fire at her, as a result, she died on the spot.

It is submitted by learned counsel for the petitioner that no motive for killing the mother of the informant has been alleged and there is inconsistency between the fardbeyan and statement of the informant, recorded under Section 164 Cr. P.C. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that there is specific accusation of firing against the petitioner.

Considering the fact that the informant and her brother are the eye-witnesses to the occurrence and the accusation being corroborated by the medical opinion, this Court is not inclined to grant bail to the petitioner in connection with Ballia P.S. Case No. 20 of 2018, pending in the court of learned Chief Judicial Magistrate, Begusarai.

Accordingly, the prayer for bail of the petitioner is rejected.

It appears from the report of the learned Judicial Magistrate, 1st Class, Begusarai dated 10.01.2019, kept at flag-‘I’, that the case has been committed to the court of Sessions.



In the circumstances, it is expected from learned trial court to expedite the trial.

(Dinesh Kumar Singh, J)

Amrendra/-

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