

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63784 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- BIHRA District- Saharsa

CHANDAN KUMAR ROY @ RAVINDRA ROY Son of Dayanand Ray
Resident of Village- Patori, Ward No.4, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra
For the State : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 01.06.2019 in connection with Bihra P.S. Case No. 79/2019 for the alleged offences under Sections 341, 342, 323, 307,379, 504, 506/34 and subsequently added Section 302 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and it is evident from a perusal of the FIR itself that the informant is not an eye-witness. The source of knowledge about the occurrence is stated to have emanated from Sarswati Devi who had been passing by and saw the body of the informant's father lying by the side of the road and reported to the family members of the informant. The said Sarswati Devi is not an eye-witness to the fardbeyan. There is delay in lodging of the FIR on 26.05.2019 for the alleged occurrence of 19.05.2019. The petitioner claims clean antecedents.

4.Learned APP invites reference to the order of the learned Additional Sessions Judge, taking note of the post mortem report which shows multiple injuries, which shows that the deceased



has beaten up mercilessly. There is direct accusation against the petitioner of having pointed a pistol at the head of the deceased who was then taken away by the accused persons. Thereafter, the petitioner is said to have caused injury to the deceased by means of naked electric wire.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

(Vikash Jain, J)

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