

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15687 of 2020

Arising Out of PS. Case No.-571 Year-2019 Thana- BIHTA District- Patna

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Baban Nut S/o Late Ilahi Nut R/o village- Nagar Bihta, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Spl PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 07-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bihta P.S. Case no. 571 of 2019 registered under sections 302, 307, 326 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, over some dispute between the parties in Barat, it is stated that eight named accused persons including the petitioner herein came variously armed. Pintu Nut fired hitting the informant in his right leg. Thereafter, it is stated that the petitioner Baban Nut fired hitting one Rameshwar Ram in his temple as a result of which he died at the spot.

It is submitted by learned counsel for the petitioner



that the allegation as levelled in the FIR are false and concocted. The informant is not an eye-witness to the occurrence. It is submitted that the petitioner is a resident of village which is about 15 kms away and is an old man aged 66 years. It is submitted that a number of witnesses who have been examined in course of investigation do not take the name of the petitioner as one of the accused who fired. There is delay in lodging of the FIR. While the occurrence is stated to have taken place in the night between 15.6.2019 and 16.6.2019, in spite of police station being only 6 kms away, the FIR was registered on 16.6.2019 at 2 pm. It is further submitted that the cause of false implication of the petitioner is that one Arvind Nut happens to be the husband of the petitioner's grand daughter (natni) and the son of the informant herein namely Rahul Kumar had kidnapped one Sujata Kumari the daughter of Arvind Nut for which they are facing a case/FIR being Bihta P.S. Case no. 984 of 2018 registered under section 366A of the Indian Penal Code. It is submitted that a number of FIR named accused have been enlarged on bail, orders of which have been brought on record as annexures to the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody since 18.6.2019 and has no criminal antecedent.



The application for bail is opposed by learned APP for the State who submits that there is specific and direct allegation against the petitioner.

Having heard learned counsel for the parties and on going through the materials on record, I find that there is specific and direct allegation against the petitioner of having fired on Rameshwar Ram resulting in his death. The postmortem report of Rameshwar Ram supports the allegations made in the FIR. So far as the grant of bail to the other co-accused is concerned, on perusal of the order it transpires that the bail has been granted taking note of the fact that there is no specific allegations against them and instead the allegation of firing is on Pintu Nut and Baban Nut, the petitioner herein.

In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

(Partha Sarthy, J)

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