

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20818 of 2020

Arising Out of PS. Case No.-75 Year-2006 Thana- PANCHRUKHI District- Siwan

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Ejamul Haque @ Ainamul Haque @ Fallu, Aged about 45 years, Gender – Male, Son of Ajijul Haque @ Azizul Haque Resident of Village- Chap Dakhin Tola, P.S. Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 24-11-2020 Heard Mr. Prashant Kumar, learned counsel for the petitioner and Mr. Binod Kumar No. 3, learned A.P.P. appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Pachrukhi P.S. Case No. 75 of 2006 registered for the offence under Section 302 / 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First information Report is that in the night of 08/09.07.2006 the informant was sleeping on his roof and his elder brother- Suresh Mahto along with wife and son Mritynjay Ram was sleeping outside near the door of Sahan land and at about 12:15 in the night the informant heard the noise of fire and immediately thereafter he woke up and saw



that his brother was injured and the petitioner along with other accused persons were standing there with their country made pistols in their hands. The brother of the informant died subsequently during the treatment.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. Learned counsel further submits that mother and wife of the deceased have submitted affidavit before the learned trial court stating that the name of the petitioner has come in this case due to dispute arising out of election. Learned counsel further submits that there is no eye witness to the occurrence and all the witnesses have said that the petitioner has been implicated in this case due to election rivalry.

On the other hand, learned counsel for the State submits that petitioner is named in the F.I.R. and the occurrence is of 2006 but the petitioner who was absconding continuously surrendered in the year 2020 as such, he does not deserve the privilege of bail at this stage.

After having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that petitioner was absconding for fairly long time, I am



not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after completion of six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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