

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25411 of 2021**

Arising Out of PS. Case No.-156 Year-2020 Thana- BASOPATTI District- Madhubani

Santosh Das Son Of Chulhai Das Resident Of Village - Mahinathpur, P.S.-
Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Ms. Sucheta Yadav, APP
For the Informant	:	Mr. Jitendra Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 27-01-2022 The applicant/accused in Crime No.156 of 2020 registered with Basopatti Police Station for the offences punishable under Sections 447/324/307 of the Indian Penal Code. Later on offences punishable under Section 302 of the Indian Penal Code and Sections 25(1-b)a/26/27 of the Arms Act were added. By this application he is seeking his release on bail during pendency of the trial.

Heard the parties.

By taking me through the FIR, the learned counsel appearing for the applicant/accused submits that the first informant is not an eyewitness to the incident in question.

The learned Additional Public Prosecutor opposed the application.



I have considered the submissions so advanced and also perused the materials placed before me.

The FIR came to be lodged immediately after the incident, i.e., on 15.07.2020 by Bikram Ram, who happens to be the brother of the deceased Vishnu Ram. The first informant is an eyewitness to the incident. Perusal of the FIR makes it clear that the first informant has not only witnessed the incident but had apprehended the applicant on the spot of the incident and snatched a country-made fire-arm from possession of the applicant which was used in the subject crime.

In this view of the matter, **no case for grant of bail to the applicant/accused is made out.** Application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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