

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50065 of 2021

Arising Out of PS. Case No.-120 Year-2004 Thana- RAMNAGAR District- West Champaran

BIRANCHI BHAR Son of Bhardur Bhar @ Bhadu Bhar Resident of Village -
Lakhankhor, P.S. - Ramnagar, District - West Champaran at Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the five named accused persons including the petitioner herein are stated to have shot at the husband of the informant as a result of which he died. Hearing the sound of firing the informant got up and identified the petitioner as also others.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There are no eye witness to the occurrence. The allegation in the FIR is falsified from the fact that 4 out of the 5 named accused persons, were not sent up in the final report submitted by



police. The petitioner is in custody since 30.9.2019 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State who submits that the FIR was registered in the year 2004 and there is direct allegation against the petitioner.

Having heard learned counsel for the parties and on perusal of the materials on record it transpires that in a case of the year 2004, the petitioner continued to abscond till he was arrested after 15 years on 30.9.2019. Taking into account the direct allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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