

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12507 of 2015

Arising Out of PS.Case No. -6 Year- 2014 Thana -NAUTAN District- SIWAN

1. Vijay Kumar Mishra @ Pappu Mishra @ Pappu S/o Gorakh Mishra
Resident of Village Siswa, P.S. Nautan, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-06-2015 Heard learned counsel for the petitioner and the State.

Petitioner is languishing in custody since 25.10.2014 in a case registered for the offences punishable under Section 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that for a dispute with regard to lifting of sand, the petitioner caused firearm injury from the licensee gun, on the chest of the informant, who died on the spot.

It is submitted by the learned counsel for the petitioner that the circumstances in which the firing is alleged the case at best comes within the purview of Section 304 Part-II of the Indian Penal Code. During post-mortem eight pellets were recovered and the I.O. recommended for transmitting

them to the F.S.L. Subsequently, licensee gun of the petitioner was seized, but till date the ballistic report has not been received.

Considering the fact that the petitioner is the sole assailant of the victim, this Court is not inclined to grant bail to the petitioner in connection with Nautan P.S. Case No. 06 of 2014, pending in the court of learned Chief Judicial Magistrate, Siwan.

Accordingly, the bail petition stands dismissed.

Let the trial be expedited.

However, the petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

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