

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4194 of 2015

Arising Out of PS.Case No. -220 Year- 2013 Thana -ALOU LI District- KHAGARIA

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Dinesh Sharma Son of Late Fulo Sharma, Resident of Village -
Shaharbanni, District - Khagaria, at present Resident of Village - Gulfariya,
P.S. - Simri, Bakhtiarpur, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate.

For the Opposite Party/s : Mr. Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-03-2015

Heard both sides.

The petitioner seeks bail in a case under Sections
302/34 of the Indian Penal Code, Section 27 of the Arms Act and
Section 17 of the C.L.A. Act.

The informant named 10 persons and alleged that Jai
Jai Yadav fired which hit on the chest of Sukhdeo Ram and
thereafter Rajo Yadav and one Sharma of Village Gadhbarani fired
which hit in the abdomen of Sukhdeo Ram.

Learned counsel for the petitioner submits that the
name of the petitioner is not fully described by the informant. The
petitioner is not a resident of Village Gadhbarani. He resides in
Village – Shaharbanni. The petitioner was not put on T.I.P. Rajo
Yadav and the petitioner are alleged to have fired in the abdomen
of Sukhdeo Ram but the doctor found only two wounds of entry,

one on the chest and another on the abdomen. The second injury is wound of exit and it is communicating to injury no. 1. One of the accused was arrested on the same day and he confessed his guilt but did not disclose the name of the petitioner.

It appears that the informant Bhago Devi made a very specific allegation that firstly Jai Jai Yadav fired which hit on the chest of the deceased Sukhdeo Ram and thereafter Rajo Yadav and Sharma fired which hit in the abdomen of the deceased. Three fire arm injuries were found but the doctor opined that one injury is wound of exit. The informant disclosed details about the petitioner in her further statement.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage in Alauli P.S. Case No. 220/13, corresponding to G.R. No. 2079/13. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial and conclude the same within one year from the date of receipt / production of this order.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

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