

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8178 of 2015

Arising Out of PS.Case No. -184 Year- 2014 Thana -MAIRWA District- SIWAN

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Tribhuwan Shahi @ Tribhuwan Pratap Shahi, Son of Late Narayan Ji Prasad Shahi, Resident of village- Langarpura, P.S.- Mairwa, District- Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rana Pratap Singh, Sr. Advocate.

For the Opposite Party : Mr. R.P.S.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 30-04-2015 Heard both sides.

The petitioner seeks bail in Mairwa P.S. Case No. 184 of 2014, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant named nine persons including the petitioner and alleged that Mantu Sahi and Dipak Sahi fired which hit Rajkumari Devi on her armpit. The petitioner Tribhuwan Shahi @ Tribhuwan Pratap Shahi is alleged to have made indiscriminate firing. Three shots hit Punam Kumari and two shots hit Nitu Devi on her buttock. Rajkumari Devi and Nitu Devi died during the course of treatment.

Shri Rana Pratap Singh learned Senior counsel submits that the informant has not disclosed the source of identification. The occurrence is said to have taken place on 10:15 P.M. in the night on

06.09.2014. From perusal of para-19 of the case diary, the I.O. did not find any empty cartridges on the place of occurrence nor found any violence mark. Although, the accused persons are alleged to have made indiscriminate firing. No blood stain was found on the place of occurrence and this creates a reasonable doubt about the veracity of the prosecution case.

On perusal of the records, it appears that the petitioner is the assailant of Rajkumari Devi and Nitu Devi. Nitu Devi received two firearm injuries on her buttock and she died of injuries caused by firearm. Petitioner is the assailant and has also got criminal antecedent.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

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

(Prabhat Kumar Jha, J.)

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