

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28022 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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1. Mantu Kahar S/o Ganesh Prasad Resident of Mohalla Anand Nagar, P.S. Ara Town, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Uday Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-09-2015 Heard learned Sr. Counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Ara Town P.S. Case No. 46 of 2015 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Sections 25(1-b)a, 26/27 of the Arms Act.

Allegedly, four miscreants riding on two motorcycles intercepted two persons riding on one motorcycle and started indiscriminate firing resulting the rider of the motorcycle fell down and further the miscreant who was firing also fell down, two of them succeeded in escaping but the petitioner with loaded pistol and other incriminating article and

co-accused Bishwajeet Paswan was apprehended with five live cartridges and mobile. Both the riders of the motorcycle Sunil Kumar Prasad and Binod Kumar Prasad received serious injuries.

Submission is of false implication and that the petitioner is in custody since 09.02.2015 and other co-accused have been allowed bail. The victim Binod Kumar Prasad who has been examined vide paragraph 14 of the case diary, has not identified the petitioner as the assailant at the spot and there is omnibus allegation.

Learned APP opposes the prayer of bail by submitting that the petitioner was caught red handed with loaded pistol and cartridges and he along with others after making firearm injury to Binod Kumar Prasad and Sunil Kumar Prasad tried to snatch the bag containing cash of Rs. 12,50,000/- but the petitioner and one co-accused were apprehended by the Police. Learned APP further submits that Sunil Kumar Prasad has received grievous injury in his abdomen.

In the facts and circumstances stated above, considering that the petitioner was caught red handed with loaded pistol at the spot and grievous injury has been found on the person of injured Sunil Kumar Prasad, this Court is not persuaded to grant the privilege of bail to the petitioner, accordingly, his such prayer

stands rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within six months.

(Jitendra Mohan Sharma, J)

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