

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33408 of 2014

Arising Out of PS.Case No. -153 Year- 2011 Thana -DEORIYA District- MUZAFFARPUR

1. Lalan Sahani Son of Bijali Sahani R/o Village Dharfary, P.S. Dewariya,
District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shyama Kant Singh

For the Opposite Party : Mr. Shailendra Kr. Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-02-2015 Petitioner is languishing in custody since
25.08.2012 in a case registered for the offences punishable
under Sections 147, 148, 149, 302, 307, 379, 452, 120B of the
I.P.C and Section 27 of the Arms Act.

The specific accusation against this
petitioner and Munna Rai is to have caused injury with pistol
on the temporal region of the father of the informant.

It is submitted by learned counsel for the
petitioner that there is specific accusation in the First
Information Report that the injury was caused by the pistol
when the injury reflects that it was caused by riffle. It is further
submitted that co-accused Mantu Sah, Sanjeet Sah and
Birendra Singh who are alleged to have armed with pistol have
been granted bail vide Cr. Misc. No. 21124 of 2012, Cr. Misc.
No. 14807 of 2012 and Cr. Misc. No. 36885 of 2012.

It is submitted by learned counsel for the State that informant in his subsequent statement has not alleged that firing was made by the petitioner by pistol and the postmortem reflects the injury on the temporal region.

Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at present. However, if the trial will not concluded within a period of one year then the petitioner will be at liberty to renew his prayer for bail.

Accordingly the application is dismissed in connection with Deoriya P.S. Case No. 153 of 2011, pending in the Court of learned 2nd Additional Sessions Judge, Muzaffarpur.

(Dinesh Kumar Singh, J)

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