



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35236 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Yogendra Ram @ Jogendra Ram Son of Sri Mahendra Ram Resident of
Village- Sarmera, P.s Sarmera, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 323, 326, 307 and 504/34 of the
I.P.C and section 27 of the Arms Act.

Allegedly, during the occurrence the petitioner
brought a pistol and fired on Ashlok Ram which hit on his chest.

Submission is of false implication and that the
prosecution story appears not probable and reliable and due to
land dispute the petitioner has been implicated. The informant side



is trying to dispossess the petitioner and his family members from the house where they are residing. No offence under section 307 I.P.C. is made out as there is no allegation of repeating the firing. In the case diary no injury report is available. The petitioner is disabled person as his right leg and right hand is polio affected and as such the petitioner deserves sympathetic consideration who is suffering in custody since 16.02.2015 after his surrender. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the victim in his statement and other witnesses during investigation have stated that the petitioner opened fire which earlier did not hit and again he opened fire which hit on the chest and the injured was treated in P.M.C.H. Patna. Photostat copy of the medical prescriptions and the discharge ticket are attached with the case diary.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner this Court is not inclined to enlarge the petitioner on bail at this stage and accordingly his such prayer stands rejected in connection with Sarmera (Nalanda) P.S. Case No. 07 of 2015 pending in the court of C.J.M. Nalanda at Biharsharif.

However, the trial court is directed to expedite the trial and to conclude the same preferably within six months, failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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