

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39610 of 2015

Arising out of PS.Case No. -392 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

Devesh Singh @ Dhandhan Singh, S/o Sri Bharat Singh, resident of Village
Renu Bigha, P.S. Muffasil (Aurangabad), District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Umeshanand Pandit, Advocate.

For the Opposite Party : Mr. Prem Kumar Jha (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 02.02.2015
in connection with Aurangabad Town P.S. Case No. 392 of 2014
for the offences instituted under Sections 302, 120(B) of the IPC
and 27 of the Arms Act.

The prosecution story, in brief, is that the informant's
elder brother, namely, Raju Gupta (deceased) had cordial relation
with Siyaram Singh of New Area. On 18.12.2014 at about 10.00
P.M. Ranju Devi the daughter of Siyaram Singh called him on
Mobile saying that she had some urgent work. Raju Gupta left his
house on bike saying that he will return soon. When Raju Gupta



did not return within expected time, then family members tried to contact on mobile which was not responded. Again, the daughter of Raju Gupta phoned. Then one Sunil took respond and told that some incident has taken place with Raju Gupta. When the informant and others went there, Sunil and Murari Prasad brought Raju Gupta to local Sadar Hospital where he was declared dead. He had sustained fire arm injuries on his chest, stomach and nose. When the informant went to the place of occurrence he found Raju's Motorcycle lying there. He suspected that Raju Gupta was shot dead while he was going to Siyaram Singh. The blood was scattered on the ground also. The people of vicinity arrived there but no one reached from the house of Siyaram Singh. Even when the informant tried to get his door opened, then Siyaram Singh did not open even his door.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.02.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. There is no direct evidence against the petitioner nor there is any eye witness to the occurrence. The petitioner has falsely been implicated in the present case.

On behalf of the State it has been submitted that the

petitioner has got as many as 23 cases against him of similar nature and out of that in two cases he has been convicted and in some other cases he has been acquitted. Other paragraph nos. 32, 37, 43, 136, 145, 254 of the case diary have been referred on behalf of the State. The case of the petitioner is different than the other co-accused persons who have been granted bail by this Court as the petitioner has been made accused in 23 cases of similar nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial no. 139/15/07/15, arising out of Aurangabad Town P.S. Case No. 392/2014, pending in the court of the learned 1st Additional Sessions Judge, Aurangabad. Anyhow, the Trial Court is directed to take necessary steps to expedite the trial and conclude the same within a period of one year from the date of receipt/production of copy of this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)