

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52153 of 2015

Arising Out of PS.Case No. -211 Year- 2012 Thana -PATORI District- SAMASTIPUR

Abinash Kumar Rai @ Abinash Rai @ Avinash Kumar S/O Sri Hari
Ballabh Rai, resident of village- Garhi Mohan, P.S.- Patory, District-
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

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

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 15-12-2015 Heard counsel for the petitioner and the State.

The petitioner seeks bail in S.T. No. 495 of 2015 arising out of Patory P.S. Case No. 211 of 2012 registered under section 307/34 IPC and section 27 of the Arms Act. The allegation is that other accused persons caught hold of the informant whereafter the petitioner whipped out a pistol and fired on the chest of the informant causing injury.

The contention of the petitioner is that the injury was found to be simple in nature. There is divergence of opinion with regard to injury by the Medical Officer who treated the injured and the doctor at the PMCH. It is a counter-blast of an earlier case lodged by the brother of the petitioner in which the wife of the

petitioner had received injury. The petitioner is in custody since 15.08.2015.

Counsel for the informant, on the other hand, submitted that the case was lodged in 2012 whereas the petitioner was arrested on 14.08.2015. There is allegation of causing injury by fire-arms on the vital part of the body.

Considering the allegations and other materials reflected from the records, as also the duration of custody of the petitioner, I am not persuaded to grant him bail. The prayer for grant of bail is rejected.

However, the petitioner is granted liberty to renew his prayer for bail after five months in the court below itself if the trial of the case does not record adequate progress.

(Kishore Kumar Mandal, J)

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