

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45111 of 2015

Arising Out of PS.Case No. -177 Year- 2008 Thana -BUXAR MUFFSIL District- BUXAR

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1. Digvijay Singh @ Jhanjhan Singh S/o Dharam Kumar Singh @ Mun na Singh resident of Village- Karhansi, P.S.- Buxar (M), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,148,149,307 and 302 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that the accused persons indiscriminately resorted to fire. The firing resorted to by the petitioner hit in the abdomen of the father of the informant who succumbed to the injuries.

On conclusion of investigation, the petitioner was not sent up for trial. Subsequently, final form was accepted. During trial, on the basis of evidence of witness, the petitioner has

been summoned in exercise of jurisdiction under section 319 Cr.P.C.

It is submitted by the learned counsel for the petitioner that on conclusion of investigation, the petitioner was found innocent and final report was submitted but during trial the petitioner has been summoned. The petitioner is ready to appear at the trial regularly. It is further submitted that earlier the father of the petitioner was made accused in a case under section 365 IPC but the victim Rama Shankar Singh subsequently stated that he was not kidnapped, the father of the petitioner was not sent up for trial though on protest cognizance was taken, however, it is submitted that the said cognizance order was quashed vide order dated 14.8.2013 passed in Cr. Misc. No. 47426 of 2007. Binda Devi, wife of Rama Shankar Singh again filed Buxar Town P.S. Case No. 62 of 2006 levelling accusation of kidnapping of her husband Rama Shankar Singh. In the said case the petitioner was made accused in the background of Title Suit No. 79 of 2005 pending before the court of learned Sub-Judge, Buxar.

It is submitted by learned counsel for the informant that there was specific accusation against the petitioner of causing fire arm injury to the victim and similar was the evidence of the witnesses during trial when the petitioner has been summoned.

Considering the fact that the petitioner was not sent up for trial and now he has been summoned in exercise of jurisdiction under section 319 Cr.P.C., it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with S.Tr. No. 157 of 2009 arising out of Buxar (Mufassil) P.S. Case No. 177 of 2008 pending in the court of learned Additional Sessions Judge IV, Buxar.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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