

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23634 of 2015

Arising out of PS.Case No. -223 Year- 2013 Thana -BANIAPUR District- SARAN

Ajay Kumar Singh, Son of Sri Raghubansh Singh, resident of Village-Sivan, Police Station- Karahgar, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash, Advocate.

For the Opposite Party : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-08-2015 The petitioner is languishing in custody since 02.04.2015 in connection with Baniyapur P.S. Case No. 223 of 2013 for the offences instituted under Sections 302 of the I.P.C., 27 of the Arms Act and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on 29.08.2013 at about 8.30 P.M. the father(deceased) of the informant alongwith petitioner were going to participate in a feast on Bolero Jeep and during course of boarding in a Bolero Jeep the petitioner told to the deceased that being a Washerman how you sit on front seat and after that the petitioner from back side of the seat of his father

the petitioner fired with pistol which causes injury on the back side of the deceased and the cartridges came out from the stomach of the deceased. The injured was treated at Sadar Hospital, Chapra, from where the injured was referred to P.M.C.H., Patna, where during course of treatment the injured died on 01.09.2013.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.04.2015 and the charge sheet has been submitted in the present case. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact.

On behalf of the State it has been submitted that the petitioner is alleged to have fired upon the deceased causing injury and subsequently the deceased succumbed to the said injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Baniyapur P.S. Case No. 223/2013, pending in the court of the learned C.J.M., Chapra. Anyhow, the trial court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)