

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39947 of 2015

Arising out of PS.Case No. -25 Year- 2014 Thana -KUDHNI District- BHABHUA (KAIMUR)

Bechan Ansari, S/o Rahman Ansari, resident of village -Baruna, P.s Kuchhila district Kaimur (Bhabua).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 13-10-2015 Heard learned senior counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 18.06.2015 in connection with Kudhni P.S. Case No. 25 of 2014 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 11.12.2014 the informant alongwith his father, namely, Tajmullah Ansari, were going to the western side of the village in the field of Satendra Pandit and Subhash Paswan field which the informant has leased for farming. In the meantime, two motorcycles upon which four persons including the petitioner came there armed with fire-arms and co-accused Badsa Ansari ordered to kill upon which the



petitioner fired but it passed from the head of the informant's father, thereafter, Mubarak Ansari, fired which hit on the left hand and than co-accused Badsah Ansari fired which hit the informant's father on the head. It is further stated that thereafter the informant started fleeing away towards his house watching which Sahabuddin Ansari fired at the informant which missed him. It is further stated that his brother Sakiullah Ansari who also present in nearby field who started shouting where after several persons started assembling there so accused persons fled away after firing in air.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 18.06.2015 and the charge sheet has already been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. It is submitted that the alleged time of occurrence is said to be 5.00 P.M. in the month of December and no source of identification has been disclosed by the prosecution. As per the FIR, there is allegation of causing of fire arm injury on occipital parietal region upon the deceased but the informant in his re-statement in paragraph no. 41 of the case diary has narrated a different manner of occurrence and no specific injury has been attributed against the petitioner. Except that he had

also fired in course of occurrence.

On behalf of the learned counsels for the informant and the State it has been submitted that there is specific allegation of causing fire arm injury upon the deceased in the FIR and the same is supported from the postmortem report.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Kudhni P.S. Case No. 25/2014, pending in the court of the learned S.D.J.M., Kaimur at Bhabua. Anyhow, the Trial Court is directed to take all 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)