

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41420 of 2015

Arising Out of PS.Case No. -169 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

Prakash Kumar, son of Late Bharat Sah, resident of Mohalla- Nai Bazar
Yadupatti Road, Police Station- Town, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. J.N.Thakur(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner is to have fired shot at
the son of the informant, who succumbed to his injury during
treatment.

It has been submitted on behalf of the petitioner that he is
in custody since 16.3.2015. Chargesheet has been submitted in the
present case. There is no allegation of tampering of evidence
against the petitioner. There is no eye witness to the alleged
occurrence. Petitioner has been named on the basis of declaration
made by the deceased to the informant before his death.
Subsequently, in the re-statement informant has named one more
person, namely, Belua also, who is said to have fired upon the
deceased along with the petitioner. Except for the said evidence,
there is no other circumstantial evidence to support the declaration
made by the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and declaration made by the deceased is dying declaration where petitioner is named. As far as petitioner is concerned, there is consistent evidence made by the prosecution witnesses that the accused also fired upon the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, learned court below, i.e., 10th Addl. Sessions Judge, Muzaffarpur, is directed to take all necessary steps to expedite the trial in connection with Town P. S. Case no. 169 of 2015, G.R. no. 967 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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