

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42121 of 2015

Arising out of PS.Case No. -58 Year- 2014 Thana -CHANAN District- LAKHISARAI

Baelal Roy, S/o Sagar Roy, resident of Village- Pipariaya P.S. Chanan,
District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Mr. Pranav Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-11-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State.

The petitioner is languishing in custody since 24.03.2015
in connection with Chanan P.S. Case No. 58 of 2014 for the
offences instituted under Sections 25(1-B)A, 26, 27 and 35 of the
Arms Act.

The prosecution story, in brief, is that the informant Ruhi
Kumari, her Dewar, Vikash Kumar and her husband were going to
the Railway Station for Patliputra Train, in the meantime, the
accused/petitioner alongwith other accused persons surrounded
Satish Kumar, husband of the informant. It is also alleged that the
deceased Satish Kumar was taken away by the accused/petitioner
and others towards the Railway Line. The accused/petitioner and

others also fired at Satish Kumar husband of the informant. Satish Kumar sustained fire arm injuries and died on the spot.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.03.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. From perusal of the FIR, it would appear that general and omnibus allegation has been made against the petitioner. No specific injury has been attributed against him. From perusal of paragraph no. 5 of the case diary, it would appear that the I.O. in course of investigation, has given a different version in respect to the alleged occurrence. Further from perusal of Annexures 2 and 3 which are the news reporting made by the Daily Newspaper they have also given a different version in respect to the alleged occurrence.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and from perusal of paragraph nos. 9, 11, 18 and 19 of the case diary, it would appear that the petitioner has actively participated in assaulting the deceased. The postmortem report indicates that there are as many as nine injuries on the body of the deceased.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioner. The same is rejected in Chanan P.S. Case No. 58/2014, pending in the court of the learned C.J.M., Lakhisarai. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)