

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13949 of 2015

Arising Out of PS.Case No. -544 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Sunil Singh S/o Bhagat Singh Resident of Village Sarisawa, P.S.
Harsidhi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s Mr. S.M.Rahman(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

10/ 05.01.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner and some other accused are named in the first
information report with accusation that they made indiscriminate
firings causing death of two persons and injuring two persons.

The contention on behalf of the petitioner is that after due
investigation, police submitted final form showing accusation untrue
and accordingly, petitioner and some others were not sent up for trial
and taking note of the aforesaid fact, a coordinate bench of this court
has already granted anticipatory bail to co-accused Deva Gupta. It is
further contended by him that some other co-accused, whose names
surfaced in course of investigation, have already been granted
privilege of regular bail by coordinate benches of this court whereas
petitioner is in jail custody since 28.8.2014. It is further contended by
him that in course of investigation, it came to light that informant

made statement before the doctor and some police officials in respect of the present occurrence but in the aforesaid occurrence, he did not name the petitioner. It is further submitted that though the aforesaid statement of the informant was not reduced into writing but the said statement was videographed and on the basis of the aforesaid material, police found accusation untrue in respect of the petitioner.

On the other hand, learned Addl. Public Prosecutor opposes the prayer submitting that in course of investigation several witnesses claimed before the I.O that this petitioner, too, made firing causing death of two persons. Therefore, it is not fit case for grant of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Motihari Town P.S. Case no. 544/2014 pending in the court of Chief Judicial Magistrate, Sikrahana at Motihari, East Champaran stands rejected.

However, if the case of the petitioner has not been committed to the court of sessions, the concerned court must commit the case of the petitioner to the court of sessions without further delay and thereafter, trial court should expedite the trial of the petitioner.

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(Hemant Kumar Srivastava,J)

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