

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21192 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -BANSHI District- JEHANABAD

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Yogesh Paswan Son of Devi Dayal Paswan Resident of Village Muglapur
PS Banshi (Karpi) District Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 19-05-2016

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

In this case, the petitioner is seeking regular bail in
connection with Banshi P.S. Case No.38 of 2015, registered for
the offence punishable under Sections 302, 120B of the Indian
Penal Code and under Section 27 of the Arms Act.

Allegation has been made against the petitioner that
while the brother of the informant was returning to his house and
when he reached near the field of Munnilal Paswan, the
petitioner shot at the deceased from behind. As a result of which,
he fell down and ultimately died. On hearing the sound of fire,
the informant came to the place of occurrence and came to know
that the petitioner had shot at his brother.

Learned counsel for the petitioner submits that there is a delay in lodging the FIR. The defence has been taken by the petitioner that Bablu had also made statement after a long delay.

There is no dispute that Bablu was present at the place of offence and he had gone along with the victim. When the brother of the victim itself could not muster courage to make statement against the accused person, it is but natural the person who is an outsider will not come and make the statement. There is direct allegation against the petitioner.

Having considered the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. The Trial Court is directed to conclude the trial as early as possible.

(Shivaji Pandey, J)

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