

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23621 of 2016

Arising Out of PS.Case No. -469 Year- 2015 Thana -MADHEPURA District- MADHEPURA

Ajay Kumar @ Rudan Kumar, Son of Dharmmlal Yadav, resident of village - Turkahi (Navotoliya), Police Station Madhepura (Bharrahi), District – Madhepura.

.... Petitioner
Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 07-09-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 23.01.2016 in connection with Madhepura (Barrahi) P.S. Case No. 469 of 2015 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 15.08.2015, the informant's son, namely, Madhuranjan(deceased) went to his sister's house and stayed there as his brother-in-law(Subhash Kumar) was suffering from fever. On 16.08.2015, when he was taking bath at the tube well of Darwaja, 16-17 persons being armed with weapons surrounded him and started to

indiscriminately fire, as a result of which, he fell on the earth and died. Accused Laxman Yadav also fired on the body of the deceased. On information, the police arrived and arrested some persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. As per the FIR., general and omnibus allegation has been made against the petitioner. No specific injury has been attributed against him. It is a case and counter case between the parties. Both the parties are agnates.

On behalf of 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 the statement made by an eye witness in paragraph no. 24 of the case diary, it appears that the petitioner is the main assailant who has fired upon the deceased and the deceased succumbed to the said injury. The postmortem report also supports the allegation made by the said eye witness in paragraph 24 of the case diary.

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

in Madhepura (Barrahi) P.S. Case No. 469 of 2015, pending in the court of the learned C.J.M., Madhepura. The court below is directed to take all necessary steps to expedite the trial.

U.K./-

(Sudhir Singh, J)

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