

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3385 of 2016

Arising Out of PS.Case No. -38 Year- 2014 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

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1. Indal Bhagat Son of late Lochi Bhagat Resident of Village- Pathuya Bind toli, P.s Pipariya, Distt Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-03-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 447, 506 and 302 of the I.P.C and section 27 of the Arms Act.

Allegedly, when the husband of the informant was at his door the petitioner fired at him causing fire arm injury and co-accused Gongu Bhagat also fired from his pistol resulting the husband of the informant died on the spot. Bina Devi, the daughter of the informant, tried to save her father but was pushed by the accused persons and thereafter the accused persons fled away after opening fire. The incident took place due to Mukhiya election at the instance of Mohan Bhagat, the Mukhiya.

Submission is of false implication and that the F.I.R. has been lodged after delay, there is no independent witness, all the witnesses are hear say, only one injury has been found by the doctor and as such the petitioner deserves sympathetic consideration as co-accused Gongu Bhagat has already been allowed bail, to which the learned A.P.P. opposes by submitting that Bina Devi has specifically stated in paragraph-10 of the case diary that the petitioner shot the deceased from close range with rifle and the doctor has found one wound of entry and one wound of exit with inverted margin and blackedge which is attributed against the petitioner

In the facts and circumstances as stated above, considering that the petitioner is the assailant and as such I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Piparia P.S. Case No. 38 of 2014 pending in the court of the C.J.M. Lakhisarai.

However, considering detention of the petitioner; let the trial be expedited.

(Jitendra Mohan Sharma, J)

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