

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57369 of 2015

Arising Out of PS.Case No. -222 Year- 2014 Thana -SHEKHPURA District- SEKHPURA

Avinash Kumar Singh @ Avinash Kumar, son of Sitaram Singh, Resident of village- Chitohara, P.S.- Mehus, District- Sheikhpora

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 08-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Sheikhpora P.S. Case No. 222 of 2014 registered under Sections 364, 302, 379, 201, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

It has been contended that though the occurrence took place on 22.06.2014 in the evening, it is strange that no information whatsoever was given to the police either by the informant or by her family members and the fardbeyan was recorded on the next day at 11:00 a.m. He further contended that

even if the allegations made in the FIR is taken to be true, the petitioner was not armed with any weapon and hence, the other co-accused persons who are named in the FIR might be responsible for the murder of the son of the informant, but not the petitioner.

On the other hand, learned counsel for the State has opposed the application for bail. He has contended that there is a plausible explanation in the FIR itself that on the date of occurrence till 11:00 p.m., the accused persons were indiscriminately firing in the village and hence, the informant who is mother of the deceased did not muster courage to go to the police station in the night and in the very next morning, the FIR was registered on the basis of information of the informant.

Be that as it may, regard being had to the gruesome manner in which the son of the informant was killed in front of her eyes by the accused persons including the petitioner, I am not inclined to grant him bail. Accordingly, the application for bail is rejected.

(Ashwani Kumar Singh, J.)

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