

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 34628 of 2016**

Arising Out of PS.Case No. -24 Year- 2015 Thana -MATIHANI District- BEGUSARAI

Narayan Singh Son of Awadh Kishore Singh Resident of Village-Chak,  
P.S-Matihani, Distict-Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Rama Kant Sharma, Sr.Adv.  
Mr. Rajesh Kumar, Adv.  
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.  
Mr. Akhileshwar Pd. Singh, Sr.Adv.  
Mr. Bimal Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 22-08-2016 Heard Sri Rama Kant Sharma, learned senior counsel, who was assisted by Sri Rajesh Kumar, learned counsel for the petitioner, Sri Mithilesh Kumar Khare, learned Addl. Public Prosecutor as well as Sri Akhileshwar Prasad Singh, learned senior counsel assisted by Sri Bimal Kumar, learned counsel, who has filed vakalatnama on behalf of informant.

The petitioner, who is in custody in Matihani P.S. Case No. 24 of 2015 registered for the offence under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act, 1959, has prayed for grant of bail.

It was submitted by learned senior counsel for the petitioner that entire family members of the petitioner have falsely been implicated. He submits that in this case, three generation of

the petitioner have been made accused. In sum and substance, it has been argued that petitioner has falsely been implicated in the present case and as such, he makes a prayer for grant of bail.

Learned Addl. Public Prosecutor as well as learned senior counsel for the informant have opposed the prayer for bail.

On going through the material on record, particularly in paragraph – 3 of the petition, it is evident that petitioner is a convict in Sessions Trial No. 278 of 2001, arising out of Alluli P.S. Case No. 53 of 2000, in which, he has been sentenced for rigorous imprisonment for life. He was granted bail on 17-04-2008 in appeal preferred by him before this Court. On going through the material on record, it is evident that while the petitioner was availing the privilege of bail in Cr. Appeal No. 486 of 2005, he was made accused in the present case. In the F.I.R., there is specific accusation against the petitioner that he fired from close range on temporal region of the deceased. The petitioner has also brought on record the copy of post-mortem examination report. On going through the post-mortem examination report, it is evident that allegation made in the F.I.R. has been corroborated. The deceased was having fire-arm injury on temporal region.

Considering the fact that petitioner, even after being released in a case, in which he was sentenced for life

imprisonment, has committed second offence as well as the fact that there is specific accusation against the petitioner, there is no reason to entertain the prayer for bail.

The petition stands dismissed.

**(Rakesh Kumar, J.)**

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