

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37384 of 2016

Arising Out of PS.Case No. -164 Year- 2014 Thana -AMNAUR District- SARAN

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Vikash Rai @ Vikash Kumar Rai Son of Jaleshwar Rai a resident of Village
- Madhubani, P.S. - Amnour, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Harish Kumar

For the Opposite Party : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 147, 148, 149, 307, 302, 120(B) of the Indian Penal
Code, Section 27 of the Arms Act and U.A. P.A. 1967, 11(1)A,
18 Unlawful Activities Act.

The prosecution story, in brief, is that on the alleged
date and time of the occurrence, all the F.I.R. named accused
persons reached the alleged place and made indiscriminate firing,
causing the death of the father of the informant namely
Bindeshwar Prasad and fled away.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 04.06.2016. The charge sheet has

been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got one more case pending against him. He has falsely been implicated in the present case due to village politics. No specific injury has been attributed against the petitioner. Para-19 of the case diary do not support the allegations made in the First Information Report.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation against the petitioner along with other co-accused for making indiscriminate firing on the deceased. There are as many as three wounds on the body of the deceased, which is evident from the postmortem report. The petitioner is also one of the assailants.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Amnour P.S. Case No. 164 of 2014, pending in the court of learned C.J.M., Saran at Chapra.

Anyhow, the court below is directed to expedite the trial.

(Sudhir Singh, J.)

Amit/-

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