

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48089 of 2016

Arising Out of PS.Case No. -806 Year- 2015 Thana -KANKARBAGH District- PATNA

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Chhotu Rai Son of Tarkeshwar Rai Resident of Mohalla Azad Path, gali No
05, P.S Kangarbadh, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 07-12-2016 Heard Mr. Hemendra Prasad Singh, learned Sr.

Counsel for the petitioner, counsel for the informant as well as

Mr. Dayal, learned APP for the State.

The petitioner prays for bail in Kankarbagh P.S. Case
No. 806 of 2015 registered under sections 302 and 120-B/34
IPC.

The brother of the deceased lodged the case alleging
that on hearing the sound of firing, he came over to the balcony
along with Ram Kumar and saw the accused persons escaping
after assaulting the deceased who received one bullet injury in
his back. He was rushed to the hospital where he subsequently
died. In course of investigation, the informant turned up before
the Investigating Officer and stated that on the orders of the co-



accused Pramod, the petitioner had fired shot(s) at the deceased.

Counsel for the petitioner submits that the said statement is afterthought. The informant in the FIR has not alleged that the firing shot by the petitioner actually hit the deceased which proved fatal. In his further statement also he did not disclose the same. The petitioner is languishing in jail custody since 12.02.2016 having no criminal background of committing serious offence.

Counsel(s) for the State as well as the informant, on the other hand, submit that in course of investigation the P.Ws in paragraphs 30,31 and 52 have claimed themselves as eye-witnesses to the occurrence and narrated the story which was spelt out by the informant two days after the occurrence before the Investigating Officer. The witnesses have also stated about the threatening held out to them by the accused persons. Counsel for the informant informs the Court that the case is fixed for framing of charge this month itself.

Looking to the allegations revealed in the FIR and other materials reflected from the records, this Court is not inclined to extend the privilege of bail to the petitioner. Prayer is accordingly rejected.

The petitioner, however, shall have liberty to renew



his prayer for bail if the trial after framing of charges does not record adequate progress/headway within eight months thereafter.

(Kishore Kumar Mandal, J)

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