

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29202 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -DANIYAWA District- PATNA

Kishore Kewat @ Raj Kishore Kewat, son of Ramdeo Kewat, R/o Village Danara, P.S Daniawan, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party : Mr. Binod Kumar 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-10-2016 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 17 of the application.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 14.01.2016 in connection with Daniawan P.S. Case No. 124 of 2015, G.R. No. 3470/2015 for the offences instituted under Sections 147, 148, 149, 323, 341, 448, 337, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 17.10.2015 while Vikash Yadav, the elder son of the informant, was going to bring milk, this petitioner and others assaulted him with Lathi Danta and also lodged a case against him. On 18.10.2015, this



petitioner and others having arms pistol and lathi came at the door of the informant and asked about Mukesh and Vikash Yadav and assaulted the informant and his family members. This petitioner fired two rounds on the chest of his son who fell down on the earth. Co-accused Kapil Kewat fired aiming to his son Vikash Yadav who received injury and fell down. Thereafter they fled away. Both injured were admitted to Hospital at Daniwan for treatment wherefrom they were referred to NMCH but on the way Mukesh Yadav died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. Altogether 10 persons are named in the FIR. It is a case and counter case between the parties. The informant side is the aggressor. The place of occurrence is said to be the house of the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of firing upon the deceased by the petitioner which hit on the chest of the deceased. The postmortem report also supports the allegations made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Daniawan P.S. Case No. 124 of 2015, G.R. No. 3470/2015, pending in the court of the learned J.M. Ist Class, Patna City, Patna. The court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)