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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5369 of 2016

Arising Out of PS.Case No. -209 Year- 2011 Thana -BARAUNI District- BEGUSARAI

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Chandan Singh, son of Arun Singh, resident of Village- Chakballi, P.S.- Barauni (Refinary O.P.), District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. A.K. Thakur, Advocate.
Mr. Nilesh Kumar, Advocate.

For the Opposite Party No. 2 : Mr. Akhileshwar Pd. Singh, Sr. Advocate.
Smt. Anita Kumari Singh, Advocate.
Mr. A. Anand, Advocate.

For the State : Mr. M. Rab, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 07-04-2016 Supplementary affidavit has been filed on behalf of the petitioner let it be kept on record.

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

The petitioner seeks bail in connection with Barauni (Refinery O.P.) P.S. Case No. 209 of 2011, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 and 337 of the Indian Penal Code and under Section 27 of the Arms Act.

Allegedly the petitioner shot Avinash Kumar @ Vinit with rifle on his head resulting he fell down and died and other co-accused also opened fire and injured other and further some of the accused were throwing brick bat.

Submission is of false implication and that after the

occurrence Arun Singh was caught with licensee rifle and after enquiry license of rifle was cancelled and he was found that he was the assailant, the prosecution party was the aggressor and they have caused injury to Kanchan Kumari, Sushil Kumar and Niraj Kumar and six months pregnancy of Kanchan Kumari was terminated and further Sushil Kumar and Niraj Kumar were treated by the doctor. During investigation, contradictory statements have come and the petitioner without any fault is suffering in custody since 10.10.2015 to which the learned APP duly assisted by the learned senior counsel for the informant opposes the prayer for bail by submitting that the petitioner is the assailant and this fact has been supported during investigation by the witnesses namely Anmol Anand and Pintu Kumar vide para 22 and again para 22 of the case diary and post-mortem report also supports the prosecution version.

In the facts and circumstances stated above, considering that the petitioner is assailant and as such, I am not inclined to enlarge the petitioner above named on bail in connection with Barauni (Refinery O.P.) P.S. Case No. 209 of 2011, pending in the court of Sri R.K. Dwivedi, the learned Judicial Magistrate, 1st Class, Begusarai. Accordingly, such prayer for bail stands rejected.

(Jitendra Mohan Sharma, J.)

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