

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5806 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Chandan Singh S/o Bishun Deo Singh R/o vill.- Aini, P.S. Darauli, Distt.
- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. U.L.Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 25-04-2016

Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 302 and 120 (B)/34 of the I.P.C

Allegedly, the petitioner, co-accused Basir Nat and two unknown entered into the shop of the informant, closed the shutter and started indiscriminate firing resulting the father of the informant became injured and the informant hide himself behind the cloths and thereafter the miscreants fled away with the motorcycle, the father of the informant was brought to the Referral Hospital, Mairwa where he was declared dead, other accused persons have been named as conspirator.

Submission is of false implication and that during

postmortem only two fire arm injuries have been found on the person of the deceased, no empty cartridges have been recovered from the place of occurrence, the deceased was wearing only Baniyan and Janghia which goes to reveal that the death was caused during night and no one seen the occurrence and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner is also one of the assailant and the informant being an eye witness has seen the occurrence.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Mairwa P.S. Case No. 119 of 2015 pending in the court of the C.J.M. Siwan.

However, considering detention of the petitioner, let the trial be expedited and concluded preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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