

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9383 of 2016

Arising Out of PS.Case No. -39 Year- 2015 Thana -DANIYAWA District- PATNA

1. Shambhu Singh @ Sambhu Singh son of Late Mishri Singh, Resident of village- Sikandarpur, P.S. Daniyawan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal

For the Opposite Party/s : Mr. Reena Sinha (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 26-04-2016

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

The petitioner seeks bail in connection with Daniyawan P.S.Case No. 39/2015 registered for the offences punishable under sections 341, 323, 307, 120 (B)/34 of the I.P.C. & 27 of the Arms Act.

Allegedly, the petitioner opened fire twice with rifle with an intention to kill the informant but in the meantime the daughter of the informant, Aarti Kumari came, which hit right side of her chest, resulting she fell down and thereafter, co-accused, Raj Nandan singh also fired upon the informant, which did not hit.

Submission is of false implication and due to previous enmity the petitioner has been implicated in this case, at the place

of occurrence no empty cartridge has been recovered and daughter-in-law of the petitioner has also lodged Daniyawan P.S.Case No. 37 of 2015 against the informant. No incriminating article has been recovered from the possession of the petitioner and during investigation no independent witness has come to support the case, as such, he deserves sympathetic consideration being in custody since 07.11.2015.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has opened fire twice, which shows his intention, further the petitioner has got several criminal antecedents, the injury report of Aarti Kumari, which is mentioned in para-12 of the supplementary case diary also suggests that she received fire arm injury in right side of the chest.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the trial Court is directed to expedite the trial and conclude the same preferably within nine months after receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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