

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21596 of 2016

Arising Out of PS.Case No. -20 Year- 2011 Thana -BASNAHI District- SAHARSA

Dilip Kumar Singh @ Munna, son of Manik Prasad Singh, Resident of village- Sahsaal, Police Station- Basnahi, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-05-2016

The petitioner seeks bail in connection with Sessions Trial No.267 of 2015 arising out of Basnahi P.S. Case No.20 of 2011 registered under Sections 307, 447, 504 read with 34 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(x) of the S.C. & ST. (POA) Act. Subsequently, section 302 of the Indian Penal Code was also added in the FIR.

It is submitted by the learned counsel for the petitioner that though the deceased-informant has made specific allegation against the petitioner that he opened fire causing injury in his abdomen, the said fact has not been supported by other witnesses during investigation. He has further submitted

that out of the thirteen charge-sheet witnesses, only five have been examined during trial and most of them have turned hostile.

I have heard learned counsel for the petitioner and learned counsel for the State.

The fardbeyan of the informant is in the nature of dying declaration, as he subsequently died during treatment. He has specifically stated that it was the petitioner alone who had fired upon him causing injury in his abdomen. It would also be evident from paragraph 3 of the present application that the petitioner is accused in another case instituted under Sections 383 and 385 of the Indian Penal Code.

Regard being had to the serious nature of allegation, the advance stage of trial and the criminal antecedent of petitioner, I am not inclined to grant him bail. Accordingly, the prayer for bail is rejected.

The court below is directed to dispose of the trial expeditiously.

(Ashwani Kumar Singh, J.)

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