

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21249 of 2016

Arising out of PS.Case No. -28 Year- 2016 Thana -JAYNAGAR District- MADHUBANI

Krishandeo Singh @ Parnami Singh @ Krishnadeo Singh, son of Tej Narayan Singh @ Tej Narayan Mahto, resident of Village- Kanhauli, P.S.- Khajauli, Distt- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate.

For the Opposite Party : Mr. Md.Sufiyan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 03-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 05.02.2016 in connection with Jainagar P.S. Case No. 28 of 2016 for the offences instituted under Sections 397, 307/34 of the IPC and 25(1-b)A, 26, 35, 27 of the Arms Act.

The prosecution story, in brief, is that on 25.01.2016 in the evening, the informant came home from temple and at that time, her husband and neighbour Vikash Bhairwani @ Vikky were in the house and when she began to distribute the *Prasad* to her husband, 4-5 unknown criminals tried to enter in her house to which she forbade and in this process, she tried to push out one of



the criminals, but he gave a blow by means of *Chheni* on her head and when her husband and one Vikash Bhariwani tried to catch those criminals the culprit shot at his right leg of her husband and the other culprits assaulted Vikash Bhariwani on his head by means of butt of his pistol. However, Vikash Bhairwani succeeded to snatch his pistol and caught jacket of the culprit but he undressed the jacket and fled away and in that process, one cartridge of .315 bore fell down from his jacket. The informant has claimed to identify the culprit on seeing them. During course of treatment, Satish Agrawal, husband of the informant, died and then Section 302 of the IPC was added in the FIR.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. The petitioner is not named in the F.I.R. He has been made accused on the basis of recording of CCTV footage. Except for this, there is no material to suggest his implication in the present case. He has not been put on T.I. Parade to ascertain his implication in the present case.

On behalf of the State it has been submitted that the case was instituted for the offences under Sections 397, 307/34 of the IPC and Sections 25(1-b)A, 26, 35 and 27 of the Arms Act.

Subsequently, charge sheet has been submitted for an offence under Sections 398, 302, 307 of the IPC and Sections 25(1-b)A, 26, 35 and 27 of the Arms Act. The petitioner is said to have been made accused on the basis of the footage of CCTV where he is said to have committed dacoity in the house of the informant in which one person is said to have died. The petitioner is involved in number of criminal cases.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Jainagar P.S. Case No. 28/2016, pending in the court of the learned S.D.J.M. Madhubani. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)