

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21976 of 2016

Arising Out of PS.Case No. -48 Year- 2002 Thana -DORIGANJ District- SARAN

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1. Krishna Rai, son of Late Indradeo Rai, Resident of Village- Chakia, P.S.-
Doriganj, Distt.- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-07-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Doriganj P.S. Case No. 48 of 2002 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner having *Dab* in his hand alongwith other accused persons variously armed surrounded the father of the informant and started assaulting him with weapons in their hands and when the informant raised alarm, co-accused Binod Ray opened fire twice and thereafter the informant fled away towards village and on return, he saw his father dead. It is alleged that due to land dispute, the occurrence has taken place.

Submission is of false implication and that against the petitioner there is no specific allegation, the alleged source of

identification which is said to be petromax has not been seized by the Investigating Officer. The presence of the informant at the time of occurrence appears doubtful, whereas, Asharfi Rai who is boat sailor has stated that Ram Pravesh Rai was alone when he came down from his boat and that was the last trip and, as such, the presence of the informant that he came down from the boat with his father appears doubtful. The petitioner without any fault, is suffering in custody since 25.12.2013 and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that earlier prayer of bail of another co-accused similarly situated has been rejected.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at present, I am not inclined to enlarge the petitioner on bail.

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

(Jitendra Mohan Sharma, J)

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