

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27993 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -FATUHA District- PATNA

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Sunil Rai son of Basudeo Rai Resident of Village : Rustampur, P.S. :
Rustampur O.P., District : Vaishali , At present Mohalla - Kachi Dargah,
P.S. : Didarganj, District : Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Gajendra Prasad Yadav

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

C.A.V. ORDER.

6 16-11-2016

1. The record is placed for passing order.

2. I have already heard all the concerned parties.

3. Petitioner is languishing in jail custody since
10.03.2016 in a case registered for the offences punishable under
Section 302 and other allied sections of the Indian Penal Code and
Section 27 of the Arms Act.

4. It is alleged that petitioner and other F.I.R. named
accused as well as 8 to 10 unknown persons made indiscriminate
firing as a result of which, informant's husband died then and
there and one Puja Devi sustained serious firearm injury. The
reason behind the alleged occurrence is said to be political rivalry
and previous dispute.



5. Submission on behalf of the petitioner is that petitioner is a physically handicapped person and is unable even to move without assistance of other person, which is evident from perusal of Annexure-2 to this petition. It is further submitted that no doubt, deceased sustained firearm injury but the ferdbeyan of the informant goes to show that it was co-accused, Munna Singh, who opened fire causing firearm injury on the neck of the deceased and, therefore, there was no occasion to other accused including the petitioner to make firing again on the deceased. It is further submitted that deceased was a dreaded criminal having more than twenty cases in his discredit and he might have been killed by some unknown persons but due to political rivalry and previous dispute, petitioner has been implicated in this case.

6. On the other hand, learned Additional Public Prosecutor assisted by learned counsel for the informant vehemently opposed the prayer submitting that not only informant but other eye witnesses also claimed to have seen the petitioner making firing on the deceased. It is further submitted that post mortem report of the deceased goes to show that several firearm injuries were found on the person of the deceased.

7. Perusal of case diary shows that independent witnesses specifically stated regarding the occurrence and

informant as well as some other eye witnesses named the petitioner disclosing his involvement in the present case, which is evident from several paragraphs of the case diary.

8. No doubt, the investigation against the petitioner has already been completed and petitioner does not have any criminal antecedent but in the present case, A.K.47 rifles have been used and taking note of seriousness of the offence as well as allegation levelled against the petitioner, I am not inclined to release him on bail. Hence, his prayer for bail in connection with Fatuha P.S. Case No. 56 of 2016 pending in the court of Sri Jabin Jamal, Judicial Magistrate 1st Class, Patna City, Patna stands rejected.

(Hemant Kumar Srivastava, J)

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