

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35326 of 2016

Arising Out of PS.Case No. -493 Year- 2015 Thana -PHULWARI District- PATNA

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Upender Rai, Son of Chanderika Prasad Singh @ Chanarik Rai, Resident of
village- Chunouti Kuan, Gawal Tola, P.S.- Phulwari sharif, Dist.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP 54

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 23-08-2016

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

The petitioner is being prosecuted in Phulwari
Sharif P.S. Case No. 492 of 2015 registered under Sections
302/34 of the Indian Penal Code. The said case was registered
on the basis of a written report submitted by one Sub-Inspector
of Phulwari Sharif Police Station wherein an allegation was
made that at about 7:20 a.m. on 17th July, 2015, he received
information that sound of firing is coming out of the house of
the petitioner. Thereafter, he along with the police personnel
went to the house of the petitioner and found that a female is

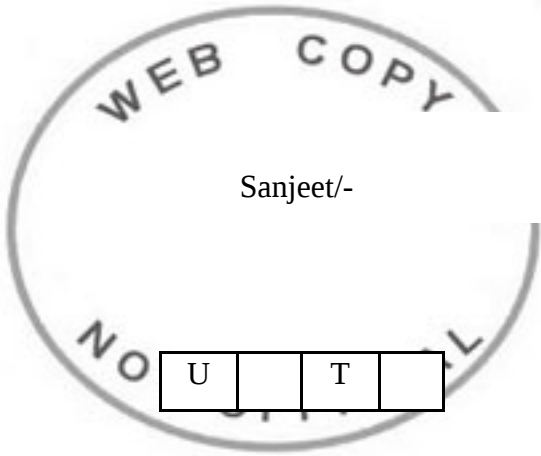


lying on the floor of the house. The people of the locality, who had assembled, identified the body of the lady, as wife of the petitioner. They also disclosed that the petitioner has killed his wife. When the informant and the police personnel tried to arrest the petitioner, who was hiding in a room at western corner of the first floor, he started firing at the police party and, thereafter, somehow, the police managed to apprehend him and from his possession a loaded country-made pistol was recovered. For the alleged recovery of the loaded country-made pistol, the instant case, being Phulwari Sharif P.S. Case No. 493 of 2015, was registered under Sections 186, 188, 353 & 307 of the Indian Penal Code as also Sections 25(1-B)(a), 26 and 27 of the Arms Act against the petitioner on the same day, i.e., 17th July, 2015 on the basis of the information given by the aforesaid Barrister Paswan.

It is submitted by the learned counsel for the petitioner that by now the petitioner has remained in custody for over one year and the charges have yet not been framed. He has stated that even in the case of murder, the petitioner has not yet been granted bail.

Regard being had to the allegations made in the FIR, I am not inclined to grant bail to the petitioner.

Accordingly, the application for bail is rejected.



(Ashwani Kumar Singh, J.)