

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47906 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -SILAO District- NALANDA
(BIHARSHARIFF)

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Sudhir Kumar, Son of Ramrup Prasad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 30-11-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail 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.

Earlier the prayer for bail of the petitioner was
rejected by this court vide order dated 22.06.2016 passed in Cr.
Misc. No. 25810 of 2016 but this second bail petition has been
filed on behalf of the petitioner on the ground that co-accused,
Kishlay Kumar, having more or less similar allegation, has already
been granted privilege of bail by a co-ordinate Bench of this court
and apart from this, there is contradiction in the statement of
informant as well as post mortem report because informant claims
that petitioner and Kishlay Kumar opened fire on the deceased

persons of this case but the doctor did not find any firearm injury on the person of deceased and above all one injured witness, whose statement was recorded at para-25 of the case diary, stated that deceased persons were assaulted by the petitioner and his associates by means of sword, dagger and wicket.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

No doubt, in course of investigation, the ferdbeyan of injured, Ajay Rai @ Ajay Kumar has been incorporated by the investigating officer at para-25 of the case diary but in that statement too, the injured witness stated that it was petitioner and his associates who assaulted the deceased persons of this case. It is a serious case of double murder and, therefore, I do not think it proper to release the petitioner on bail. Hence, his prayer for bail in connection with Sessions Trial No. 358 of 2016 arising out of Silao P.S. Case No. 180 of 2015 pending in the court of Additional Sessions Judge-III, Nalanda at Biharsharif is again rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible.

(Hemant Kumar Srivastava, J)

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