

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10581 of 2016

Arising Out of PS.Case No. -293 Year- 2015 Thana -BARAUNI District- BEGUSARAI

Kanhaiya Kumar @ Kanhaiya Singh son of Dilip Singh, R/o village-Jokiya, P.S.- Bhagwanpur, District- Begusarai.... Petitioner

Versus

The State of Bihar.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Barauni (Garhara) P.S. Case No. 293 of 2015 registered for the offences punishable under Sections 341, 323, 324, 326, 307, 120B/34 of the Indian Penal Code in which Section 302 IPC was added later on.

Allegedly, co-accused Balmukund Kumar was pressurizing to compromise the case and due to refusal, co-accused Balmukund Kumar and the petitioner pointed pistol resulting, the informant fled away and then he heard the sound of firing and after return the informant found his brother Sunil Rai injured and one Nandlal Sah also injured at a distance. During investigation it has come that injured Sunil Rai stated to Rajesh Kumar that co-accused Balmukund Kumar and the petitioner were the assailant.

Submission is of false implication due to earlier dispute, another injured Nand Lal Sah has specifically stated that as it was dark night he did not identify the culprits, the informant has not stated that injured brother stated the name of culprits before him and as such the petitioner who is suffering in custody since 18.08.2015 deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioner is named in the first information report and the petitioner was having pistol in his hand and further the deceased before his death stated the name of the petitioner and co-accused Balmukund Kumar as assailant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, considering the period of detention, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within nine months.

(Jitendra Mohan Sharma, J)

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