

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20412 of 2016

Arising Out of PS.Case No. -13 Year- 2014 Thana -BARHARA District- BHOJPUR

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Dharmendra Kumar Singh @ Dharmendra Singh Son of Sarvanand Singh,
Resident of Village- Barka Lauhar, P.S Barahara, District Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Madan Jeet Kumar, Advocate.

For the Opposite Party : Mr. C. Jawaher (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Barahara P.S. Case No. 13 of 2014, corresponding to S.T.
No. 171 of 2014 for the offences instituted under Sections 302,
307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story in brief, is that on 25.01.2014 in
the evening, at 16.30 hours a hot exchange took place between the
children of the petitioner and informant and at that time the
informant was also sitting at his door and his father was standing
near the well, in the meantime, the petitioner along with other co-
accused persons came there and thereafter on the instigation of co-
accused persons, the petitioner fired from the pistol thrice upon the

father of the informant, resulting which, his father fell down. It is further alleged that when the younger brother of the informant namely Gazendra Singh came there to save his father then the petitioner also fired upon him, upon which, he became seriously injured. The father of the informant died during course of treatment and the younger brother of the informant namely Gazendra Singh was taken to P.M.C.H. for better treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.03.2014 and the petitioner has got no criminal antecedent. Seven witnesses have already been examined out of 13 witnesses by the trial court. It is further submitted that there is no allegation of tampering with the evidence against the petitioner. Both the parties are agnates. Due to a petty matter, the said occurrence has taken place.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R. The main allegation is against the petitioner for causing injury upon the deceased. The trial is already in progress. Hence, it would not be appropriate to grant bail to the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Barahara P.S. Case No. 13 of 2014, corresponding to S.T. No. 171

of 2014, pending in the court of learned Additional Sessions Judge-V, Bhojpur at Ara. Anyhow, the trial court is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of this order.

(Sudhir Singh, J.)

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