

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35325 of 2016

Arising Out of PS.Case No. -84 Year- 2013 Thana -SALKHUA District- SAHARSA

1. Arbind Choudhary son of Late Mahesh Choudhary, Resident of Village-
Kabirpur, P.S- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-10-2016 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Salkhua P.S. case No.84 of 2013 instituted for the offence under Sections 147, 148, 149, 302, 384, 386 of the I.P.C. and Section 27 of the Arms Act, pending in the court of A.C.J.M., Saharsa.

Allegation is that the accused persons including the petitioner and 5-6 unknown persons had assaulted the brother of the informant, namely, Dinesh Yadav and petitioner opened fire from his rifle on him, which hit in his stomach, as a result of which he fell down and during treatment he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.11.2015 and the charge sheet has been submitted in the present case. The petitioner has got no

criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The postmortem report does not support the allegations made in the F.I.R. The cause of death is said to be septicemia. The deceased is said to be died due to secondary haemorrhage.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is specific allegation of firing upon the deceased which led to his death.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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