

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20027 of 2016

Arising out of PS.Case No. -228 Year- 2013 Thana -KATEYA District- GOPALGANJ

Haribansh Singh, Son of Nathni Singh, resident of Vilage- Guriyaw Niyamat, PS Kataya district Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mohammad Sufyan, Advocate.

For the Opposite Party : Mr. Kr. Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 31.03.2016 in connection with Kateya P.S. Case No. 228 of 2013 for the offences instituted under Sections 147, 148, 149, 341, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 18.12.2013, the informant alongwith his father and cousin Satendra Kumar Singh had gone to Gopalganj for consulting with an Advocate regarding registration of land and after meeting they came from there to his village by bus. When the bus reached at *Jaisauli Braham Asthan* then nine persons sitting on three motorcycles, interrupted the bus. Out of whom, six persons entered into the bus, who were



identified by the informant and his cousin and they were Haribansh Singh, Bachcha Singh, Motilal Singh, Chhotelal Singh, Hare Ram Singh and one was not identified by them. Haribansh Singh and Hareram were armed with country made pistol and Bachcha Singh and Motilal Singh were armed with knife and Chhotelal Singh was armed with pistol. Chhotelal Singh started pressing neck of the informant's father then the informant and his cousin raised alarm thereafter the unknown associates pointed out the pistol upon them and asked them to sit. In the meantime, Haribansh Singh fired from his pistol upon the informant's father head and thereafter Bachcha Singh and Motilal Singh assaulted him by knife. Thereafter, all the miscreants got down from the bus hurling threats not to raise hulla and thereafter they fled away towards the village-Simra.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. As far as the allegation is concerned, the petitioner is said to have fired upon the deceased and the other co-accused, namely, Bachcha Singh and Motilal Singh are said to have assaulted the deceased with knife. There is an admitted enmity between the parties. The

inquest report is said to have prepared on the alleged date at 6.30 P.M. but the F.I.R. has been instituted at 7.30 P.M. The independent witnesses, the driver and the conductor of the bus, have not supported the allegations made in the F.I.R.

On behalf of the learned counsels for the informant and the State it has been submitted that there is specific allegation against the petitioner for causing fire arm injury upon the deceased. The other passengers in the bus have supported the allegation made in the F.I.R. The case is of the year 2013 but the petitioner had absconded. Subsequently, in the year 2016 he was arrested by the police and taken into custody.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Kateya P.S. Case No. 228/2013, pending in the court of the learned C.J.M., Gopalganj. Anyhow, the court below is directed to take all necessary steps to expedite the trial and the informant states that he will co-operate in course of trial.

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(Sudhir Singh, J)