

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27797 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -KHUSRUPUR District- PATNA

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LALLU SINGH @ LALU SINGH S/o Late Dhawaj Singh Resident of
Village - Chhota Hasanpur, Police Station - Khusarupur, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Premchandra Yadav, Advocate

For the Opposite Party : Mr. Sri Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 20-09-2016 Heard.

Petitioner is named in the first information report with specific allegation that he opened fire causing death of the deceased.

Submission on behalf of the petitioner is that in course of investigation, some witnesses stated that indiscriminate firing was made in a marriage ceremony and in the aforesaid firing deceased sustained injury but subsequently after death of the deceased, the informant lodged this false case implicating the petitioner.

To fortify of the aforesaid contention, learned counsel for the petitioner drew our attention towards para-1 and para-7 of the case diary. At para-1 of the case diary, it has been mentioned

that the first information report was lodged on 02.06.2015 and admittedly the written report was given on 01.06.2015. Para-7 of the case diary goes to show that one witness, namely, Ramesh Chandra stated that the deceased sustained injury when he had gone to attend the marriage ceremony and the aforesaid witness specifically stated that the deceased sustained injury from the firing made by one Santosh Singh.

Learned counsel for the petitioner submits that para-3 of the case diary goes to show that the informant along with injured came at the police station on 01.06.2015 just after the alleged date of occurrence but he did not disclose the name of any assailant nor lodged any case and therefore the aforesaid fact creates doubt about the involvement of the petitioner in the present case.

On the other hand, learned counsel appearing for the informant submits that not only the informant but several eye witnesses claimed that it was the petitioner who shot fire causing death of the deceased.

Considering the aforesaid facts and circumstances as well as submission of the parties, I am not inclined to release the petitioner on bail at least at this stage, hence, his prayer for bail is rejected in connection with Khushrupur P.S.Case No.84 of 2015 pending in the Court of ACJM, Patnacity, Patna. However, learned

court below is directed to commit the case of petitioner to the Court of Sessions in accordance with law within three weeks from the date of receipt/production of copy of this order and after commitment the concerned Sessions Court shall expedite the trial of petitioner.

(Hemant Kumar Srivastava, J)

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