

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22294 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

=====

Vijay Singh @ Vijay Kumar @ Vijay Kumar Singh, Son of Late Vyas Singh, Suraj Nagar, Phulwaria, Police Station, Phulwaria, in the district of Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Amit Kumar Rakesh (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-07-2016 Heard the learned counsel for the petitioner and the learned A.P.P for the State.

The petitioner seeks bail in connection with Barauni Rail P.S. Case No. 48 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner and other co-accused named in the FIR came in the hotel of the informant and earlier they created nuisance, abused and damaged the articles which was pacified and thereafter again the petitioner and other co-accused came and the petitioner shot Madhu Kumar @ Ratish Kumar and other co-accused also opened fire in the air. During treatment in the hospital, Madhu Kuamr @ Ratish Kumar was declared dead.

Submission is of false implication and that the informant has filed a petition in the court below that one Vijay Kumar aged about 30 years was involved in the case and not the petitioner. He has not identified the petitioner as assailant before the investigating officer but in spite of that the petitioner has been charge-sheeted without making proper investigation to which the learned APP opposes by submitting that the petitioner is the assailant and this fact finds support in the statement of the prosecution witnesses vide Para 9, 10, 12, 14, 28 and 29 of the case diary.

In the facts and circumstances stated above, considering that there is direct and specific allegation against the petitioner that he shot the brother of the informant causing his death and, as such, I am not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected in connection with Barauni Rail P.S. Case No. 48 of 2015 pending in the Court of learned Railway Judicial Magistrate, Barauni.

However, let the trial be expedited and concluded preferably within nine months from the date of receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

Mishra/-

U		T	
---	--	---	--