

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45895 of 2015

Arising Out of PS.Case No. -404 Year- 2013 Thana -BIHPUR District- BHAGALPUR

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Kare Mandal Son of late Batohi Mandal Resident of Village - Dudhanila
Balua Tola, P.S. Bihpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.

Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 15-11-2016 Heard Sri N.K.Agrawal, learned senior counsel, who
was assisted by Sri Ranjan Kumar Jha, learned counsel for the
petitioner and Dr. Ravindra Kumar, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
07-05-2015, has prayed for grant of bail in Bihpur P.S. Case No.
404 of 2013 registered for offence under Sections 302, 307, 447,
504/34 of the Indian Penal Code and Section 27 of the Arms Act,
1959, corresponding to Sessions Trial No. 520 of 2015 pending in
the court of learned 2nd Additional Sessions Judge, Naugachiya.

It was submitted by learned counsel for the petitioner
that ofcourse in the F.I.R., there is accusation that petitioner fired,
but besides him, there is allegation that other three named accused
persons had also opened fire. However, during post-mortem
examination, only one injury of bullet was found on the person of

the body and as such, it is difficult to fasten liability against the petitioner only. On the aforesaid ground, a prayer has been made to grant bail.

However, learned Addl. Public Prosecutor has opposed the prayer for bail.

Besides hearing, I have also perused the materials on record. There is specific accusation of opening firing against the petitioner. There was allegation that at least four accused persons had fired. Ofcourse, as submitted by learned counsel for the petitioner that the deceased got one injury, but at the same time, at this stage, it would be difficult to come to the conclusion that the deceased had not died due to firing made by the petitioner. Moreover, the case has already been committed to the court of sessions and as such, the Court is of the opinion that it is not a case for grant of bail.

The prayer for bail stands rejected.

Since the petitioner is in custody from the month of May, 2015, it is desirable to observe that learned court below may take all steps so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

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