

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13508 of 2017

Arising Out of PS.Case No. -159 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

=====

Shailesh Singh son of Vijay Singh @ Vijay Bahadur Singh, resident of
village:- Bhabhta, P.S.:- Sathi, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP-159

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 30-03-2017 Heard learned counsel for the petitioner and learned
counsel for State.

It is contended that the petitioner was simply a member
of an unlawful assembly and the specific allegation of causing
firearm injury is against co-accused Bhutkun Singh, Vijay Singh,
Suresh Singh and Awadhesh Sah. It is further contended that by
now the petitioner has remained in custody for about twenty
months, but in course of trial only four out of ten witnesses have
been examined so far.

Opposing the application for grant of bail to the
petitioner, learned counsel for the State submitted that it is a case
of multiple murder in which the husband and son of the informant



were killed. The entire offence was committed in a planned manner and his participation in the commission of the offence has emerged right from the beginning as all the accused persons being variously armed were present at the place of occurrence at the time of commission of murder. He submitted that under such circumstance the defence of lack of specific overt act alleged against the petitioner would be of no consequence. He submitted that prayer for bail of one of the co-accused, namely, Binda Singh, whose case is identically situated to that of the petitioner has already been rejected by this Court.

Considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected.

However, the learned 3rd Additional District and Sessions Judge, Bettiah, West Champaran is directed to ensure an early disposal of Sessions Trial No.03 of 2016 arising out of Sathi P.S. Case No.159 of 2015.

(Ashwani Kumar Singh, J)

Md.S./-

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

