

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 55415 of 2017

Arising Out of PS. Case No.-802 Year-2015 Thana- Khagaria District- Khagaria

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Kishore Singh, Son of Late Surya Narain Singh, Resident of Village-
Kharigi Tirasi, P.S.-Gangaur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K.Lal
		Mr. Pritish Kumar Lal
For the Opposite Party/s :		Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-11-2017 Heard Sri S.K.Lal, learned counsel assisted by Sri Pritish Kumar Lal, learned counsel for the petitioner and Dr. Ajeet Kumar, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since 16-07-2017 in a case, which was registered long back on 22-12-2015, vide Khagaria (Gangour) P.S. Case No. 802 of 2015 registered for offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959, has prayed for grant of bail.

Sri Lal, learned counsel for the petitioner, pressing the prayer for bail, submits that even in the F.I.R., there is specific accusation that one Umesh Singh had caught hold of husband of the informant and thereafter, he fired. Subsequently, in the



F.I.R., it was alleged that other accused persons indiscriminately fired, however; during *post-mortem* examination, only one fire-arm injury was found on the person of the deceased and as such, it cannot be a case showing death of the deceased by fire-arm used by the petitioner. He has further relied on an order passed by a coordinate Bench (Hon'ble Mr. Justice Dinesh Kumar Singh) on 08-03-2016 in Cr. Misc. No. 10491 of 2016 (Annexure – 4 to the petition), whereby two F.I.R. named accused persons namely Mahesh Singh and Bijay Singh were granted bail. On the ground that on the person of the deceased, there were only one fire-arm injury as well as the fact that two other accused persons have been granted bail, a prayer has been to grant bail to the petitioner.

Dr. Ajeet Kumar, learned Addl. Public Prosecutor, opposing the prayer at the very outset, submits that so far as accusation against accused persons, who were granted bail namely Mahesh Singh and Bijay Singh is concerned, there is no specific accusation against them, however; against the petitioner, there was specific accusation that he gave one shot of fire-arm. He has further referred to fact disclosed in paragraph – 3 of the petition to show that petitioner is having criminal antecedent and he is accused in at least two cases relating to



serious offences.

Considering the fact that F.I.R. was lodged in the year 2015 and two accused persons, who were granted bail, were not having similar accusation like the petitioner and moreover, they were granted bail in the month of March, 2016 itself, whereas, this petitioner is in custody since 16-07-2017 and there is specific accusation against him of firing in the occurrence as well as he is having criminal antecedent, in such circumstances, there is no reason to extend the privilege of bail to the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J.)

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