

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53565 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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Om Prakash Pandey, son of Late Balmiki Pandey, Resident of village-
Bindusar Hamid, P.S- Siwan (M), District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rohit Kumar, Advocate
Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-01-2017 Heard learned counsel for the petitioner and the

State as well as learned counsel for the informant.

The petitioner seeks bail in a case instituted for the
offence under Sections 147, 148, 149, 323, 324, 307, 302 of the
Indian Penal Code and Section 27 of Arms Act.

It is alleged in the written report that on the date of
occurrence this petitioner fired on Md. Hasnain with intention to
kill, thereafter Brij Mohan Pandey also assaulted Md. Hasnain on
head with farsa, as a result of which he became injured and fell
down. Informant went to save him then he was also assaulted by
Jawahar Yadav with Farsa causing injury in thumb.

It has been submitted on behalf of the petitioner that
brother of this petitioner, namely, Brij Mohan Pandey has filed a
counter case on same day, which has been annexed as Annexure-
2, wherein the petitioner has sustained serious injury in his



stomach and intestine came out from the stomach. He remained in hospital for about one month.

The learned A.P.P. and counsel of informant have submitted that in the instant case the alleged occurrence took place at 8.30A.M., whereas in the counter case the alleged time of occurrence is 14.30 P.M. The instant case has been filed prior to the counter case. The Counsel for informant has further submitted that in the post mortem report which is mentioned in paragraph-31 of the case diary, the doctor has found firearm injury on the body of the deceased. Other witnesses have also supported the allegation against this petitioner.

In this manner, there is specific allegation against this petitioner and he is main assailant of causing firearm injury to Md. Hasnain, who later succumbed to injury. Therefore, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail is hereby rejected in connection with Siwan (M) P.S. Case No. 183 of 2016, pending in the court of learned Chief Judicial Magistrate, Siwan.

Since the petitioner is in custody, the lower court is directed to expedite the trial.

(Sanjay Priya, J.)

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