

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44040 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAKHRI District- BEGUSARAI

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1. Offisar Sada S/o Kusheshwar Sada Residnt of village- Chamrahi, P.S.-
Parihara, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 17-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The application is for grant of bail in connection
with Bakhri PS case no. 173 of 2015 for the offence under
Sections 302/34 of the Indian Penal Code and 27 of Arms Act.

It is submitted on behalf of petitioner that in the
FIR, it is alleged that petitioner along with others fired on the
deceased, as a result, he died. It is further submitted that the
statement of daughter of deceased was recorded during course of
investigation in which she has stated that Bipin Mahto had fired on
deceased and further in post mortem there was only injuries of
firearm, as such, petitioner has falsely been implicated in this case
and he is in custody since 20.07.2015.



Heard learned A.P.P. also. Learned A.P.P. has opposed the prayer for bail by submitting that there is allegation against the petitioner that he along with others fired on the deceased and later on injuries of firearm were also found on the person of deceased. As such, this is not a fit case for grant of bail.

Having heard both sides. Considering the fact that there is direct allegation against the petitioner, I am not inclined to grant bail to the petitioner. As such, his prayer for bail is rejected at this stage. However, as the petitioner is in custody since 20.07.2015 and the case has not been committed to the court of Sessions as yet, learned Sessions Judge, Begusarai is directed to expedite the commitment of the case to the court of Sessions and thereafter, expedite the trial also and if the trial is not concluded within six months, he may renew his prayer for bail.

(Vinod Kumar Sinha, J.)

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