

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37816 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -DHOLBAJJA District- BHAGALPUR

=====

1. Chhotu Singh, Son of Late Mahendra Singh, Resident of Village-Gola
Tola Kadwa, P.S. Dhol Bazza District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-08-2017 Heard the learned counsel for the petitioner.

The petitioner seeks regular bail in connection with
Dhol Bajja P.S. Case No. 49 of 2016, registered for the offence
punishable under Sections 302, 120-B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as alleged by son of the deceased
is that when in the evening his father was sitting on the
Verandah along with his friends, the petitioner and one Pintu
Singh came on a motorcycle whereafter, Chhotu Singh fired on
the head of the deceased and thereafter, the said Pintu Singh is
said to have fired from his gun.

The learned counsel for the petitioner submits that co-
accused persons namely, Dargoa Singh @ Darogi Singh and
Ajit Yadav as well as similarly situated co-accused Pintu Singh
have been granted bail.

I find from the record that so far as Dargoa Singh @
Darogi Singh and Ajit Yadav are concerned, they are non F.I.R.



named accused persons. Their names have transpired on the basis of confessional statement of the co-accused, hence, they have no direct allegation against them, hence they have been granted bail. So far as Pintu Singh, said to be similarly situated co-accused person, is concerned, this Court has granted bail to the said Pintu Singh on the basis that the petitioner had initially fired and thereafter, the said Pintu Singh had fired resulting in death of the father of the informant. The ground taken in the said bail petition i.e. Criminal Miscellaneous No. 29131 of 2017 is that the post mortem specifies only one gun shot injury and the informant and his mother, wife of the deceased, have also stated that gun shot injury was caused by Pintu Singh. It appears that the accused persons have made a ploy in the form of obtaining bail of one Pintu Singh and thereafter, approaching this Court for securing bail of the present petitioner.

The offence is serious and the petitioner being the main assailant, causing death of one person as well as having one earlier case against him, is not entitled for the privilege of bail. The petition is dismissed.

The learned counsel for the petitioner submits that the trial may be expedited. It is, accordingly, directed.

(Mohit Kumar Shah, J)

ajaypd./-

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

