

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2501 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -CHANDI District- BHOJPUR

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Krishna Prasad Chaurasiya @ Lala, Son of Late Rajendra Prasad Chaurasiya, Resident of Village-Akhgaon, Police Station-Sandesh, in the district of Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate

Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-02-2017 Heard learned Sr. Counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Chandi P.S. Case No. 83 of 2016 registered for the offences punishable under Sections 307/34, 120 B of the Indian Penal Code and Section 27 of the Arms Act in which Section 302 IPC was added later on.

Allegedly, the petitioner and co-accused Setha Prasad Chaurasiya along with two unknown came on two motorcycle and started opening fire upon Suman Kumar and thereafter, the accused persons fled away. During treatment Suman Kumar succumbed to the injuries.

Submission is of false implication and that in the first information report there is general and omnibus allegation, there is land dispute with the petitioner and due to that the informant in his



further statement has made specific allegation against the petitioner to have opened fire upon his brother. Sandesh P.S. Case No. 126 of 2012 has been registered on the basis of written report of the petitioner in which Ram Bihari Prasad the father of the deceased, the deceased Suman Kumar, Chandan Kumar, Sushil Kumar, Mahendra Prasad and Shiv Shankar Prasad have been made accused in which chargesheet has already been submitted and to take revenge this false case has been lodged.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the informant in his further statement vide paragraph 15 and witnesses vide paragraph 16 and 17 have stated specifically that the petitioner opened fire by which Suman Kumar was injured and later on he died.

In the facts and circumstances stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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