

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13366 of 2017

Arising Out of PS.Case No. -19 Year- 2016 Thana -CHANDI District- BHOJPUR

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Bijendra Singh, Son of Late Sobhan Singh, Resident of Village-Salempur,
P.S.-Chandi, District-Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner, learned counsel
appearing on behalf of the informant and learned A.P.P. for the State.

The petitioner is an accused in connection with Chandi
P.S. Case No. 19 of 2016, registered under Sections 147, 342, 323, 307
and 302 of Indian Penal Code and Section 27 of the Arms Act,
pending in the Court of Sessions Judge, Bhojpur, Ara.

The accusation is of surrounding of the informant
Bajrangi Singh and his nephew Manoj Kumar by five persons named
in the F.I.R., including the petitioner. At that time, this petitioner is
said to have opened firing causing injury to the informant, who
became seriously injured. In that course, Manoj Kumar, nephew of the
informant, also sustained fire arm injury and subsequently he died on
the spot.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in this case due to



land dispute. Further submission is that occurrence is said to be committed in the evening of 12.02.2016 and there was no source of light in the dark night to identify the assailants by the informant. Further submission is that occurrence took place on 12.02.2016 and F.I.R. was lodged on 16.02.2016 at about 10.00 A.M. The petitioner is in custody since 19.05.2016.

Learned counsel for the State vehemently opposed the prayer of the petitioner and submits that from the perusal of the F.I.R., it appears that on 16.02.2016, the fardbeyan of the informant was recorded in the Emergency Ward of PMCH, Patna in injured conditions.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected.

(Rajendra Kumar Mishra, J)

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