

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30499 of 2018

Arising Out of PS. Case No.-185 Year-2016 Thana- PARWATTA District- Khagaria

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Bikash Kumar @ Bikash Sahni S/o Fuldeo Sahni, R/o Vill.- Kulhariya, P.S.-
Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for grant of
bail, which was rejected vide order dated 12.10.2017, passed in
Cr. Misc. No. 41727 of 2017.

Petitioner is languishing in judicial custody since
16.06.2017 in connection with S.C. No. 389/16/ 290/17, arising
out of Parbatta P.S. Case No. 185 of 2016 for offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while she along with her husband Sudhir Sahni (deceased)
was coming home, five persons including the petitioner
surrounded them and the petitioner is alleged to have fired on



the temporal region and another accused Rabin Sahani thereafter fired on his head. They tried to drag the body but the villagers and house people came and petitioner along with other accused persons fled away in two motorcycles. The cause of dispute is that the petitioner had taken Rs. 17,000/- from the husband of the informant and on his demand the occurrence took place.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that one of the co-accused Rabin Sahani, who had also fired on the head of the informant's husband, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 52188 of 2016 vide order dated 10.01.2017 and petitioner is languishing in custody for more than a year. Petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that as per postmortem report there is only one injury entry and exit in front of the left ear, hence, allegation upon the petitioner is that it is he who first hit the informant's husband.

A report was called for from the court of Incharge Presiding Officer, FTC-I, Khagairai, who has submitted his



report dated 03.07.2018 stating therein that the matter is pending for evidence of doctor and the Investigating Officer.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

Application is, accordingly, rejected. However, the court below is directed to expedite the trial and conclude the same within a period of three months. Petitioner is at liberty to renew his prayer after three months if the trial is not concluded by that time.

(Nilu Agrawal, J)

Rajesh/-

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