

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69713 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- SHAMBHUGANJ District- Banka

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Pawan Kumar Singh @ Pawan Singh, Son of Late Anandi Prasad Singh,
Resident of Village- Sobhnathpur, Police Station – Shambhuganj, District
-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Shivendra Kumar Sinha , Advocate

For the Opposite Party/s : Sri Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-11-2018 Heard Sri Shivenra Kumar Sinha, learned counsel for

the petitioner and Sri Pranav Kumar, learned Additional Public

Prosecutor.

The sole petitioner who is in custody since 10.06.2018
has prayed for grant of bail in connection with Sessions Trial
No. 303 of 2018 arising out of Shambhuganj P.S. Case No. 35
of 2018 registered for the offence under Sections 147, 148,
149, 323, 324, 302 of the Indian Penal Code, 1860.

Learned counsel for the petitioner by way of referring
to Annexure -6 to the petition i.e. photo copy of order dated:
10.10.2018 passed in Cr. Misc. No. 61949 of 2018 has argued
that other two accused persons in similar circumstances have
already been granted bail and as such on parity the petitioner



deserves to be released on bail. He further submits that F.I.R. in the present case was lodged much belatedly. Despite the fact that alleged occurrence had taken place on 12.02.2018, in the present case fardbyan was recorded on 27.02.2018. He further submits that though in the F.I.R. informant has alleged that the deceased after getting injury had become unconscious and he was carried to hospital, the deceased had made Sanha to the Police on 12.02.2018. Sri Shivendra Kumar Sinha, learned counsel for the petitioner submits that both version suggests that falsely case has been instituted since there was land dispute and both the parties were agnates. On aforesaid grounds a prayer has been made for granting bail.

Besides hearing I have also perused the materials available on record particularly F.I.R. in the present case as well as copy of Sanha which has been brought on record as Annexure -2. It was submitted by learned counsel for the petitioner that Sanha was lodged on the basis of information given by the injured who subsequently died. In Sanha involvement of petitioner has been shown. At the time of argument it was informed that in this case charge has already been framed. Since in the version of the deceased which is apparent from Annexure -2 i.e. Sanha entry, involvement of



petitioner was shown as well as the fact that charge has already been framed meaning thereby that trial has commenced, there is no reason to consider the prayer for bail even in view of the fact that some of the other accused persons in similar circumstances have been granted bail by an another Co-ordinate Bench of this Court.

I do not find any ground to pass favourable order.

The prayer for grant of bail stands dismissed.

(Rakesh Kumar, J)

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