

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46227 of 2018

Arising Out of PS.Case No. -342 Year- 2003 Thana -BARAUNI District- BEGUSARAI

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Amresh Kumar @ Amresh Singh @ Amresh Kumar Slingh, S/o Late
Kailash Singh, resident of Village Keshawe P.S. Barauni, District
Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate.

Mr. Praveen Kumar, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 13-09-2018 Today supplementary affidavit has been filed on behalf
of the petitioner. Let it be kept on record.

Heard learned Senior counsel, Mr. P.K. Shahi for the
petitioner, learned APP for the State and the learned counsel for
the informant.

The petitioner seeks bail in Barauni P.S. Case No. 342 of
2003 dated 26-09-2003 registered under Sections- 341, 307,
504/34, 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that in the backdrop of a
land dispute, an altercation took place. It is alleged that the
petitioner along with other accused persons opened fire, on
account of which, the informant sustained fire-arm injury.

It has been submitted on behalf of the petitioner that the



petitioner is innocent and having no criminal antecedents. The petitioner is in custody in Barauni P.S. Case No. 342 of 2003 since 24-06-2018. After completion of investigation, police report has already been submitted in this case. The petitioner is an employee of Indian Oil Corporation, posted at Barauni. Considering the plea of alibi of the petitioner, final form in respect of the petitioner was submitted by the police but the learned Magistrate differing with the final form, took cognizance against the petitioner. It is also submitted that as per O.D. slip, issued by the doctor, the informant was not in a position to make such statement as set out in FIR which formed basis of the instant prosecution. The co-accused namely, Girish Kumar, having similar allegation of firing has been granted bail by a Co-ordinate Bench of this Court vide order dated 09-11-2004 passed in Cr. Misc. No. 12749 of 2004. As per the FIR, the said co-accused is alleged to have fired upon the deceased, causing injury on the abdomen of the deceased.

On behalf of the State, it is submitted that the petitioner is named in the FIR. There is specific allegation against the petitioner, of firing upon the deceased. The postmortem report also supports the allegation of firing made against the petitioner as three fire-arm injuries being found on the person of the deceased. The final form has been submitted by the police considering plea



of alibi ignoring the statement of witnesses. The court below has taken cognizance against the petitioner on the basis of material available in case diary itself as back as in the year 2004 and the petitioner has been absconding since then.

Considering the specific allegation of firing against the petitioner which resulted in a fire-arm injury upon the person of the deceased together with his conduct to evade and preventing from course of justice and not to abide the orders of the court below and remained absconding for such a long period of 14 years, and the petitioner has been arrested by the police in terms of permanent warrant issued after declaring him as an absconder vide order dated 28-05-2015 (Annexure-4) passed in Tr. No. 367 of 2015 corresponding to G.R. Case No. 2239 of 2003 arising out of Barauni P.S. Case No. 342 of 2003, therefore, I am not inclined to grant him bail.

Accordingly, prayer for bail of the petitioner in connection with Barauni P.S. Case No. 342 of 2003 pending in the court of learned Chief Judicial Magistrate, Begusarai is rejected.

The court below is directed to expedite the trial.

(Sudhir Singh, J)

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