

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55740 of 2018

Arising Out of PS. Case No.-30 Year-2017 Thana- BALIYA District- Begusarai

=====

Murari Singh, Son of Shri Ramlagan Singh, resident of Village- Rahatpur,
P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Md. Ansarul Haque

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 05-11-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Ballia P. S. Case No. 30
of 2017 instituted for the offence under Sections 324, 326, 307,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

In the written report, it is alleged that on the date of
occurrence, one Dayanand Singh fired on the informant
which did not hit him. Thereafter, this petitioner fired from his
pistol causing injury on the chest of the informant, on account
of which, he fell down and sustained injury caused by firearm.

Case diary has been received, wherein, the further
statement of the informant is available at para 5, wherein, he has
levelled specific allegation against this petitioner of causing



firearm injury to him. Injury report is available in the case diary which also supports the case. The doctor has found grievous injury on the person of the injured (informant) on left side of neck caused by fire arm.

Learned counsel for the petitioner has submitted that independent witnesses in the case diary have not supported the case. He has further submitted that on a protest petition filed by the parents of the petitioner, which is annexed as Annexure 3 to the bail petition, D.I.G. Munger has ordered for further investigation and, accordingly, S.P. Begusarai ordered to the Dy. S.P.(HQ) Begusarai to further enquire into the matter, who has mentioned in his supervision report vide letter no. 125 dated 31.12.2017 that petitioner was not present on the alleged place of occurrence and he has been falsely implicated in the case due to enmity and village politics. During course of re-investigation, Dy. S.P.(HQ) has found as per mobile tower location on the date of occurrence petitioner was at Begusarai but not at Ballia. The said supervision report has been annexed as Annexure -2 to the bail petition.

This Court finds that after considering all these materials, police has submitted charge sheet against the petitioner on 16.6.2018 for the offence under Sections 324,



326,307 and 120B of the IPC and Section 27 of the Arms Act. There is specific allegation against the petitioner of causing firearm injury to informant which also get support from injury report. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial.

Petitioner is given liberty to renew prayer for bail after six months in the event no substantial progress is made in the trial.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

