

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55006 of 2017

Arising Out of PS.Case No. -228 Year- 2013 Thana -KATEYA District- GOPALGANJ

1. BACCHA SINGH Son of Late Sita Ram Singh Resident of Village - Niyamat Guriyav, Police Station - Kateya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 05-03-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to First Information Report, the petitioner and other co-accused, allegedly, committed murder of the father of the informant, in presence of the informant and his cousin, in the bus. Co-accused Haribansh Singh caused firearm injury at the head of the deceased. The petitioner and co-accused Moti Lal Singh gave dagger blow and thereafter they fled away.

The Doctor has found a wound of entry caused by firearm at the right temporal region and a stabbed wound at the abdomen besides a stitched wound on the left wrist. The stabbed



and stitched wounds were caused by a weapon of cutting.

Submission of the learned counsel for the petitioner is that the driver and conductor of the bus were examined by the police who stated that no family members of the deceased were traveling in the bus at the time of occurrence. He further submits that the petitioner has got enmity with the informant. Informant was already convicted in a case lodged by the petitioner's side. Hence, false implication is there. His next contention is that eight prosecution witnesses have been examined up-till-now during trial. However, none has supported the prosecution allegation. The petitioner is in custody since 05.10.2016.

On the other hand, learned counsel for the informant submits that co-accused Moti Lal Singh, having similar allegation, has been refused bail by a Coordinate Bench of this Court vide order dated 13.07.2017 passed in Cr. Misc. No. 3781 of 2017. The trial of the petitioner has started in the year 2017 whereas co-accused Haribansh Singh is facing trial since 2013 and in that case, informant has already been examined who has fully supported the prosecution allegation.

Considering the nature of allegation and corroboration of medical report, I am not inclined to enlarge the



petitioner on bail in connection with Sessions Trial No. 183 of 2017 arising out of Kateya Police Station Case No. 228 of 2013 pending in the Court of learned 5th Additional Sessions Judge, Gopalganj.

Hence, prayer for bail is refused.

The informant is directed to get his statement recorded during trial at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order, failing which the petitioner would be at liberty to renew his prayer for bail.

(Birendra Kumar, J)

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