

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62119 of 2018

Arising Out of PS.Case No. -93 Year- 2016 Thana -SIKARHATTA District- BHOJPUR

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PRAKASH KUMAR SINGH @ PRAKASH KUMAR, son of Uma Shankar Singh, resident of village- Sikraul, P.S.- Sikarhata, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

For the Informant : Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 01-11-2018

Vakalatnama has been filed on behalf of Opposite Party No.2, which may be kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in **Sessions Trial No.249 of 2017 arising out of Sikarhata P.S. Case No.93 of 2016** instituted for the offence under Section(s) 302, 120-B/34 Indian Penal Code pending in the Court of the **6th Additional Sessions Judge, Bhojpur at Ara.**

It is alleged in the written report that on the date of occurrence this petitioner along with three other accused persons and two unknown persons arrived on a motorcycle armed with



illegal weapon and abused the brother of the Informant. It is alleged that on hearing voice of the accused persons, brother of the informant started running away. In the meantime, two unknown persons opened fire. This petitioner along with Harshit made firing from his respective fire arms which hit the brother of the informant. It is alleged that Harshit and Prakash made firing from pistol causing death of brother of the informant.

Case diary has been received along with postmortem report, wherein, doctor has found three injuries of fire arm on the person of the injured.

Counsel for the petitioner submits that police has submitted final form against one of the accused, Harshit, and co-accused, Manoj, after investigation and did not sent up them for trial.

It has also been submitted that co-accused, Sanjay Singh and Manoj Kumar Singh @ Manoj Singh, have been granted bail by co-ordinate Bench of this Court by order dated 09.05.2018 passed in Cr. Misc. No.13764 of 2018 and order dated 14.08.2018 passed in Cr. Misc. No.40335 of 2018 respectively.

Counsel for the informant has appeared and opposed prayer for bail. Counsel for the informant has submitted that



informant of the instant case was going to depose in Court and he has been murdered for which separate case has been lodged.

It appears that informant has levelled specific allegation against this petitioner of causing fire arm injury to his brother along with Harshit. The doctor has found three fire arm injuries on the person of deceased in the postmortem report.

In such circumstances, this Court is not inclined to enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is **rejected at this stage.**

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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