

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44938 of 2017

Arising Out of PS.Case No. -493 Year- 2015 Thana -PHULWARI District- PATNA

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Upendra Rai Son of Rai Chandrika Prasad Singh @ Sri Chandrika Rai, R/o
Mohalla- Chinauti Kuan, Guar Toli, P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate.

For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his application for grant of
bail in connection with Session Trial No. 133 of 2016 arising out
of Phulwarisharif P.S. Case No. 493 of 2015 in which his
applications for bail were earlier rejected by this Court.

The aforesaid Phulwarisharif P.S. Case No. 493 of 2015
was registered under Section 302 read with 34 of the Indian Penal
Code and Section 25 (1-B) (a), 26 & 27 of the Arms Act.

It is submitted by the learned counsel for the petitioner
that the petitioner received gun shot injury in spine as a result of
which he is unable to move and discharge his daily routine since
the date of his arrest. It is further contended that by now the



petitioner has remained in custody for more than three years and in absence of proper treatment, he is facing a lot of difficulties in his life.

Learned counsel for the State submitted that though the petitioner does not deserve bail on merits, as he is alleged to have killed his own wife, in view of the fact that he sustained gun shot injury in spine and is unable to discharge his daily routine also, the Court may consider his case sympathetically.

I have heard learned counsel for the parties and perused the record.

Pursuant to the order dated 29.11.2017 passed by this Court, learned Additional Session Judge-X, Patna submitted his report dated 08.12.2017 wherein he has stated that charge in the case has already been framed on 19.07.2017 and the case is pending for evidence. However, he highlighted in his report that the accused was not being sent to the court and a show-cause was issued and in response to the show-cause, the Superintendent of Beur Jail, Patna reported that the accused is totally incapable of moving due to fire arm injury sustained by him. An affidavit on behalf of the Jail Superintendent, Central Jail Beur has also been filed annexing a letter dated 21.07.2018 written by the Chief Medical Officer, Model Central Prison, Beur, Patna addressed to



the Jail Superintendent regarding the health condition of the petitioner. In the said letter, the Chief Medical Officer has stated that the petitioner has sustained gun shot injury in his spine leading to paraplegia and was unable to stand, walk and perform his daily activities.

Keeping in mind the health condition of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-Xth, Patna in connection with Session Trial No. 133 of 2016 arising out of Phulwarisharif P.S.Case No. 493 of 2015.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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