

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65150 of 2018

Arising Out of PS.Case No. -61 Year- 2018 Thana -PHULPARAS District- MADHUBANI

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1. Gulzar Miyan Son of Md. Ismail Miyan Resident of Village- Navtol, P.S. Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-11-2018 Heard learned counsel for the petitioner, informant and the learned A.P.P. for the State.

The petitioner seek bail in Phulparas P.S. Case No. 61/2018, instituted for the offences under Sections 147, 148, 149, 341, 302, 504 and 506 of the Indian Penal Code read with Section 27 of Arms Act.

It is alleged in the written report that on 16.04.2018 father of informant had gone to Phulparas on motorcycle and when he was returning to the house, this petitioner along with other accused persons surrounded his father. It is alleged that co-accused Sanjay Yadav caused firearm injury to the father of informant on the back. Thereafter this petitioner also opened fire, which hit on the right shoulder of father of informant. Father of



informant fell down on the ground. The informant rushed to the place of occurrence where his father told him that Sanjay Yadav and Gullzar Mian (Petitioner) have caused gun shot injury to him and subsequently he died during course of treatment.

Learned counsel for the petitioner has submitted that from the nature of injury as mentioned in the post-mortem report, the deceased was not in position to speak.

Learned counsel for the informant has pointed out para 5 of case diary, wherein it is mentioned that the deceased himself had disclosed his identity before the doctor. Thereafter when police arrived, he was not in position to speak, which shows that deceased was in position to speak about the occurrence at the time of admission. The father of informant has disclosed the name of the petitioner Gulzar Mian and Sanjay Yadav in causing firearm injury.

Post-mortem report is available in case diary, wherein doctor has found two firearm injuries on the person of deceased.

In such circumstances, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, prayer for bail of petitioner is rejected.

Trial court is directed to expedite the trial and make



all efforts to conclude the same within a period of nine months.

Petitioner is given liberty to renew the prayer for bail in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J.)

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