

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57959 of 2018

Arising Out of PS.Case No. -140 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

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1. Binay Rai @ Binay Kumar Rai S/o Late Rameshwar Rai, R/o Vill.-
Darba, P.S.- Rajpur (Halai O.P.), Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks regular bail in connection with
Tajpur (Halai O.P.) P. S. Case No. 140 of 2015, registered for
offences punishable under Sections 147, 148, 149, 341, 323, 324,
307, 379 and 504/34 of the Indian Penal Code and Section 27 of
Arms Act.

As per F.I.R. allegation against the petitioner is that
the petitioner along with other eight to ten persons started
abusing to the informant and protest was made by the informant
the petitioner sort fire upon the informant with pistol, causing
injury on left side of the informant and other accused persons
also brutally assaulted the informant with lathi and danda at the



site of construction work.

Submission of the learned counsel for the petitioner is that there is a case and counter case and the petitioner has also received serious injury, which will appear from Annexure-4 and opinion of the injury of the informant has not been disclosed, which will appear from Annexure-3 and the petitioner has no criminal antecedent and he is in custody since 24.04.2018.

Heard learned A.P.P. as well as learned counsel for the informant, who opposes the prayer for bail on the ground that there is direct allegation of firing on the informant, causing injury.

Having heard both sides and in view of the facts and circumstances, I am not inclined to grant privilege of bail to the petitioner at this stage. However, it is made clear that the petitioner may renew his prayer for bail after framing of charge.

With the aforesaid observation, the instant petition is disposed of.

(Vinod Kumar Sinha, J)

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