

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12244 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- PHULWARISHARIF District- Patna

DEEPAK MAHTO @ STIL @ SHITAL @ STEELWA Son of Late Loha Mahto. Resident of Utari Sangat, Kumhar Toli, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Chandra Verma

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Phulwari Sharif Police Station Case No.29 of 2018, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of learned Sub-Judge-XV, Patna.

According to F.I.R., co-accused, *Ajay Sastri @ Ajay Paswan* fired at the son of the informant. Thereafter, the son of the informant started fleeing away. Then the petitioner fired, causing injury, as a result whereof the son of the informant fell down and others also fired at him. The doctor has found three firearm wounds of entry on the vital part of the body of the



deceased.

Submission is that the prosecution is not specific as to which part of the body of the deceased had hit the firing of the petitioner. In fact the informant does not appear to be an eyewitness of the occurrence.

The case diary would reveal that other witnesses have also supported the prosecution case as eyewitness of the occurrence. However, none of the witnesses have stated that firing of the petitioner had caused injury on which part of the body of the deceased.

Considering the nature of allegation, I am not inclined to enlarge the petitioner, above named, on bail. Hence, prayer is refused.

The learned trial court is directed to expedite the trial and conclude the same preferably within 09 months, failing which the petitioner would be at liberty to renew the prayer before the court below itself.

(Birendra Kumar, J)

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