

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49396 of 2016**

Arising Out of PS. Case No.-14 Year-2016 Thana- CHIKSAUR District- Nalanda

Ajay Singh, Son of Late Rama Singh, Resident of Village - Mushari, Police Station - Chiksaura, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      05-04-2019                      None appears on behalf of the petitioner, however,  
  
learned counsel for the State is present.

It appears that initially the case diary of Chiksaura P.S. Case No. 14 of 2016 was called for by a Co-ordinate Bench of this Court, vide order dated 13.12.2016, thereafter, the matter was adjourned for four weeks vide order dated 22.12.2016, passed by a different Bench of this Court and again, vide order dated 25.01.2017, passed by a different Bench of this Court, on the prayer of learned counsel for the petitioner, the matter was adjourned for eight weeks. Subsequently, vide order dated 27.03.2017, passed by a different Bench of this Court, the matter was dismissed for non-prosecution, but thereafter, vide order dated 19.04.2017, passed in Cr. Misc. No. 18824 of 2017, the matter was restored to its original file.

Office note dated 04.04.2019 reflects that since the



application was dismissed for non-prosecution, the case diary has been returned back.

In the circumstances, since the matter is being adjourned since last two and half years, this Court is not inclined to call for the case diary again. Hence, the matter is being taken up on merits.

The petitioner is languishing in custody since 15.02.2016 in a case registered for the offences punishable under Sections 148, 149, 302 and 147 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Gyan Prakash @ Nepal Singh, recorded by Surendra Pandey, S.I. of Police, on 22.01.2016 at Emergency Ward of P.M.C.H. is to the effect that on the same day at about 1 P.M., the informant's brother was sprinkling pesticides in his agricultural field, in the meantime, all the 17 FIR named accused persons including the petitioner came and surrounded the brother of the informant, thereafter co-accused, Andhi Singh resorted to fire causing injury on the head of the brother of the informant, whereas this petitioner resorted to fire causing injury on the abdomen of the brother of the informant, as a result, the brother of the informant fell down. Subsequently, the brother of the informant was taken



to P.M.C.H., where he succumbed to the injuries. It is further alleged that in the background of land dispute, in the year 2015, the father of the informant was also killed by the accused persons including the petitioner, for which Chiksaura P.S. Case No. 22 of 2015 was lodged by the informant's side with accusation under Sections 147, 148, 149 and 302 of the IPC and Section 27 of the Arms Act.

Pleadings have been made in the petition that the informant is not the eye-witness to the alleged occurrence and in the background of inimical relationship and land dispute between the parties, the petitioner has been roped in the present case.

Learned APP submits that the petitioner is named in the FIR with specific accusation of causing injury on the abdomen of the brother of the informant and he is having serious criminal antecedent as he is also accused in two other cases, being Chiksaura P.S. Case No. 22 of 2015, registered under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act and Karaiparsurai P.S. Case No. 175 of 2014, registered under Section 379 of the IPC.

Considering the specific accusation against the petitioner to have caused firearm injury on the abdomen of the victim and the petitioner having serious criminal antecedent,



this Court is not inclined to grant him bail.

Accordingly, the prayer for bail of the petitioner is rejected in connection with S. Tr. No. 413 of 2016, arising out of Chiksaura P.S. Case No. 14 of 2016, pending in the Court of learned 1<sup>st</sup> Additional Sessions Judge, Hilsa, Nalanda.

It is expected from the trial court to expedite the trial.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

