

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2048 of 2019

Arising Out of PS. Case No.-486 Year-2017 Thana- BHAGWAN BAZAR District- Saran

Nandan Kumar, son of Yogendra Prasad, Resident of Mohalla- Mauna,
Mohan Nagar, P.S.-Chapra town, Distrit- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate.

For the Opposite Party/s : Smt. Pronati Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-02-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Bhagwan Bazar P.S.**
Case No. 486 of 2017 instituted for the offence under Section(s)
396 and 397 of Indian Penal Code, pending in the court of 11th
Additional Sessions Judge, Saran at Chapra.

In the *Fard-e-beyan* it is alleged that informant is doing business of ornaments along with his brother-in-law Avtar Singh. On 24.11.2017 at 12:30 p.m. the informant and Avtar Singh proceeded to supply ornaments to the customer and after receiving money, they took rickshaw to reach Bus Stand. The informant and Avtar Singh proceeded for Bus Stand and when they reached near Transformer, informant heard sound of firing and saw his brother-in-law Avtar Singh fell down from the



rickshaw. He had sustained firearm injury. He further saw three motorcycles and two persons on each Motorcycle having country made pistol in their hands. Avtar Singh was again shot in his back and one person fled away with the bag of Avtar Singh. It is further alleged that informant also received fire arm injury on his back and one person snatched the bag in which he was carrying 400 grams of gold ornaments and two lac rupees. The brother-in-law of informant died on the spot. The informant carried Avtar Singh for treatment with the help of rickshaw puller, but Doctor declared him dead. The informant got treatment in Sadar Hospital where he gave his *Fard-e-beyan*.

During investigation, the name of petitioner has come in the statement of co-accused Mukesh Sah as mentioned in paragraph-39 of the case diary.

Learned A.P.P. after looking into the case diary has submitted that in paragraph-155 of the case diary it is mentioned that in Test Identification Parade, the petitioner has been identified by the informant. In paragraph-45 of the case diary it is mentioned that on statement of this petitioner, recovery of 100 grams of ornaments and Rs.13,000/- have been made from the house of petitioner.

Therefore, this Court is not inclined to grant bail to



the petitioner at this stage.

Prayer of the petitioner for grant of bail stands rejected.

Counsel for the petitioner submits that trial has already been started. The court below is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of six months from the date of receipt of this order.

(Sanjay Priya, J)

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