

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77337 of 2018

Arising Out of PS. Case No.-44 Year-2012 Thana- BARH District- Patna

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Bijli Saw @ Sumant Kumar, S/o Late Shivshankar Saw, Resident of Village-
Manjhalla Bigha, P.S. Pandarak, Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-03-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Barh P.S. Case No. 44 of 2012** instituted for the offence under Section(s) 302/34 of Indian Penal Code and Section 27 of the Arms Act pending in the court of learned Additional Chief Judicial Magistrate, Barh.

It is alleged in the *Fard-e-beyan* that on the date of occurrence the informant along with his brother Binod Yadav (since deceased) was returning to the house by bicycle and when they reached at 12:00 noon near newly constructed road Bridge at village Billaur, this petitioner along with other accused persons as named in the written report arrived on three motorcycles and surrounded brother of the informant namely, Binod Yadav. It is further alleged that co-accused Suresh Mahto



caught his 'Collar', Bipin Kumar and Ramesh Mahto caught hold his left and right hands. Thereafter, petitioner put pistol on right *Panjara* of brother of the informant. Bidyanand Bharty, Anil Yadav and Dayanand Yadav put pistol below left ear, above the left ear as well as on chest of brother of the informant. All accused persons fired indiscriminately, on account of which, brother of the informant fell down. The informant was also assaulted by them with fists and slaps. They gave threat of dire consequences if he will file case and fled away towards east on the Motorcycle. The brother of the informant sustained firearm injuries in his *Kanpatti*, *Panjara* and chest on account of which he died on the spot. Thereafter, the informant gave information through Mobile to his family members.

Case diary has been received.

The informant has appeared and opposed the prayer for bail. He submits that several firearm injuries had been found on the person of the deceased.

Counsel for the petitioner submits that Police during investigation did not sent up other accused persons for trial and submitted charge sheet against petitioner only.

Learned A.P.P. after looking into the case diary has submitted that post mortem report is available in the case diary



wherein the Doctor has found firearm injuries on forehead, ear, neck and below chest of the deceased. There is specific allegation against the petitioner that he caused firearm injuries on *Panjara* of brother of the informant and other accused persons put pistol on different parts of body as mentioned in the *Fard-e-beyan*. The brother of the informant died on the spot. The Doctor has found injury below the chest, forehead, ear and neck of the deceased which supports specific allegation made against the 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.

The trial court is directed to expedite the trial.

(Sanjay Priya, J)

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