

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1314 of 2019

Arising Out of PS. Case No.-3 Year-2018 Thana- DELHA District- Gaya

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Raja Kumar @ Haddi, S/O Deepak Prasad @ Dipu @ Deepak Kumar,
Resident of Mohalla-Ramdhanpur, Pipal Gali, P.S.-Kotwali and District-Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Manish Kumar No2,Advocate.

For the Opposite Party : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 22-04-2019 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 3 of the bail application, in light of the statement made in the supplementary affidavit.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 04.06.2018 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant was in Saloon then he head one person got gun shot injury then on hulla, he went to Dharamsala, he saw some people running including this petitioner, when he reached on the roof of Dharamsala, then he saw that his brother sustained gun shot



injury in his stomach when he asked then he disclosed that Raja Kumar @ Haddi shot him.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence. None has seen the petitioner assaulting the deceased.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. His name has come on the basis of extra judicial confession made by the deceased. As per disclosure made by the deceased, the petitioner is alleged to have fired upon him.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 124 of 2018/496 of 2018 (S.J.), arising out of Delha P.S. Case No. 03 of 2018, pending in the court of learned Additional District and Sessions Judge-IV, Gaya.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from



the date of receipt/production of copy of this order.

The District Magistrate, Gaya and the Superintendent of Police, Gaya, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Gaya and the Superintendent of Police, Gaya.

(Sudhir Singh, J)

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