

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27583 of 2019

Arising Out of PS. Case No.-382 Year-2018 Thana- LALGANJ District- Vaishali

Umesh Kumar Son of Sri Jagdish Ram, R/O Village- Purkhauli, P.S. Lalganj,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Chandra Shekhar Azad
For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case initially registered under Section 302 of the Indian Penal Code, and 27 of the Arms Act and Sections 3(2)(v) of SC/ST Act but charge sheet was filed under Section 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that while the son of the informant went outside to attend call of nature, he was shot at and died on the spot itself.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 23-10-2018. Charge sheet has



already been submitted. The petitioner has been falsely implicated in the present case. The petitioner is not named in the FIR. There is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that in paragraphs 31 & 32 of the case diary, the witnesses claim themselves to be eye witness and they have identified the petitioner at the time of occurrence. They have further stated that the petitioner fired, upon the deceased which led to his death. As per eye witnesses, the petitioner is the assailant.

Considering the facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Lalganj P.S. Case No. 382 of 2018 is rejected.

The trial court is directed to take all possible steps to expedite the trial and conclude the same, preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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