

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58419 of 2019

Arising Out of PS. Case No.-234 Year-2014 Thana- SAHPUR District- Bhojpur

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Uma Shankar Rai @ Uma Shankar Ray aged about 57 years, male Son of
Late Radha Kishun Rai Resident of Village/ mohalla-Sarangpur, P.S.-
Shahpur (Bahoranpur), District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Shakti Suman Kumar, Advocate
For the State	:	Dr. (Mrs.) Indiwari Kumari, APP
For the Informant	:	Mr. Shivjee Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 27-11-2019 Heard Mr. Yogesh Chandra Verma, learned senior Advocate for the petitioner and Mr. Shivjee Mishra, learned Advocate for the informant. Dr.(Mrs.) Indiwari Kumari, learned APP has rendered her assistance in this case.

The petitioner, who is in custody since 01.07.2019, seeks bail in connection with Session Trial No. 164 of 2017 arising out of Shahpur (Bahoranpur) P.S. Case No. 234 of 2014 which was instituted for the offences under Sections 147, 148, 149, 302 of the Indian Penal Code and Section



27 of the Arms Act.

The allegation against the petitioner is of having fired at the deceased Santosh Kumar Rai, who fell down and died instantaneously. The informant is the father of the deceased. However, during course of investigation, the accusation against the petitioner was found to be incorrect and therefore the final form was submitted in his favour. The trial court, exercising his power under Section 193 of the Code of Criminal Procedure has summoned the petitioner to face trial and hence, this petition for grant of bail.

Mr. Yogesh Chandra Verma, learned senior Advocate for the petitioner, has drawn attention to this Court to some of the mitigating features of this case and has submitted that the own brother of the informant has not attributed the act of killing to the petitioner. He has further pointed out that the informant was an eye-witness to the occurrence and it does not appear probable that he would be allowed to go on unscathed even when he was seen as witnessing the occurrence. Lastly, it has been submitted that the accusation has been made because of past enmity or



else the police would not have submitted final form in his
favour.

These aspects do not impress this Court for
granting bail to this petitioner at this stage.

The prayer of the petitioner is thus rejected for the
present.

(Ashutosh Kumar, J)

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