

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5351 of 2020**

Arising Out of PS. Case No.-68 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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SHAILESH SINGH @ SHAILESH PRASAD Son of Harishankar Prasad
Harishankar Singh Resident of Village - Khem Matihania, P.S.-
Bishambharpur, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-05-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with
Bishambharpur P.S. Case No. 68 of 2019 instituted for the offences
under Section 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that in a dance programme
of a Barat party, the accused person shot fire upon the son of the
informant due to which he died at the spot.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 11.7.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. Apparently, the informant does not appear to be the eye witness to the occurrence. Due to village politics, he has falsely been implicated in the present case. No source of identification has been disclosed by the informant. A dance party was going on and in such huge gathering, it was difficult to identify that who fired at the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The petitioner is alleged to have fired upon the deceased. He is the assailant. The post-mortem report corroborates with the allegations made in the F.I.R.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take necessary steps to conclude the trial at the earliest preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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