

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20924 of 2020

Arising Out of PS. Case No.-478 Year-2019 Thana- KHAJEKALA District- Patna

Md. Danish (Male), aged about 20 years, Son of Aslam Chak Resident of Mohalla-Quraishi, P.S.-Khajekalan, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 01-09-2020 Heard Mr. Ajay Thakur, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, counsel for the State.

In this case, the petitioner is seeking bail in connection with G.R. No. 5466 of 2019 arising out of Khajekalan P.S. Case No. 478 of 2019 registered for offences punishable under Sections 326, 307, 452, 504, 506, 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, the present petitioner along with his associates, namely, Md. Sunni entered into the house of the Informant and both of them started indiscriminate firing from the pistol due to which he received injury just above the knee of his left leg and he fell down. One other person in the house, namely, Md. Shakil @ Jitan also received injury over his face, left hand and on his Panjara whereafter he also fell down. The police came and shifted them to N.M.C.H. from where they were shifted to



P.M.C.H. and during treatment, Md. Shakil @ Jitan died.

Learned counsel for the petitioner has relied upon different paragraphs of the Case Diary and has submitted that the blood has been found outside the house of the Informant as well as there is delay in lodging the First Information Report and further submitted that the police had gone to record the statement of the Informant but, he refused to give the statement but, it is a fact that when a person is badly injured, firstly, he will rush to the hospital for his treatment and only thereafter he will give the statement. During investigation, the statement of the petitioner has been recorded and, inasmuch as, there is a direct allegation against the petitioner of being involved in a heinous crime and the reason of indiscriminate firing is that the Informant has raised objection not to indulge in such activity of road robbery as also there being direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected.

(Shivaji Pandey, J)

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