

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26804 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- BALIYA District- Begusarai

BINOD SAH S/o Fullo Sah R/o- Paharpur, P.S.- Ballia, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2020 Heard Mr. Shubhesh Pandey, learned counsel for the petitioner and Mr. Sunil Kumar Pandey, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Ballia PS Case No. 28/2020 registered for the offence punishable under Sections 302, 307, 120(B)/34 IPC and under Section 27 of the Arms Act.

3. The allegation against the petitioner, as per First Information Report, is that the petitioner along with other accused persons having fire arms caught hold of the husband of informant and when she went to rescue him, she was pushed to the ground and one co-accused, namely, Nand Kishore Mahto shot a fire on the head of her husband who fell down on the ground. Then another co-accused persons, namely, Pappu Mahto and Arjun Mahto both fired on the head and neck of her husband leading to his instantaneous death. On the alarm of the informant, her cousin father-in-law came to rescue her, he was also fired upon by the accused persons causing serious injury to



him.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the allegation of firing on the husband of the informant is upon, Nand Kishore Mahto, Pappu Mahto and Arjun Mahto. Learned counsel also submits that there is no specific allegation that the petitioner fired upon the informant's cousin father-in-law and there is general and omnibus allegation against all the accused persons.

5. Learned counsel submits that the petitioner is in custody since 01.02.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is named in the FIR, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

7. However, petitioner, if so advised, may renew his prayer for bail after six months from today, if the trial does not make any progress.

(Anil Kumar Sinha, J)

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