

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27548 of 2020

Arising Out of PS. Case No.-342 Year-2018 Thana- AMARPUR District- Banka

=====

SITARAM MANDAL @ SITARAM CHOUHAN S/o Late Gujju Chouhan,
Resident of Village-Meghwa Bachhni, P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sachin Kumar

For the Opposite Party/s : Mr.S.M. Rahman

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 307, 302, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that on 28.06.2018 the
informant along with his father went to attend a marriage
ceremony. That after the ceremony, the informant and his father
were coming back to their home by motorcycle. Then in front of
primary school Badhni near Kali temple, petitioner along with
other accused persons together having country made pistol and
rifle in their hand started to fire indiscriminately in which the
father of the informant was shot dead and when the informant
tried to escape then accused persons chased the informant and



shot fire at him in which the bullet struck at his right leg, but somehow he managed to escape and saved himself.

Learned counsel for the petitioner submits that the police did not found blood at the place of recovery of dead body. Hence, it appears that murder was committed somewhere else and the dead body was brought at the place of recovery. He further submits that the deceased was himself a convict for imprisonment of life and was murdered due to previous criminal activity. The petitioner is in jail custody since 12.01.2020. The petitioner has no antecedent which is mentioned in para 3 of the bail petition.

The post-mortem report is consistent with allegation in the FIR. The eye-witnesses of the occurrence, especially, the informant who is one of the injured of the occurrence, have supported the allegation.

Learned APP for the State opposes the prayer for bail petition.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Amarpur P.S. Case No. 342/2018 (G.R. No. 2167/2018) pending in the Court of learned A.D.J.-2nd, Banka.



Accordingly, this application is dismissed.

The trial court is directed to expedite the trial and conclude the same preferably within nine months, failing which the petitioner would be at liberty to renew his prayer for bail.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

