

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57932 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- BARACHATTI District- Gaya

KAMLESH SINGH Son of Late Kedar Singh Resident of Village - Nega
Bigha, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 10-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody seeks bail in a case
registered under Section 396 of the Indian Penal Code and 25(1-
b)a, 26 and 35 of Arms Act.

Informant has alleged that on 14.03.2019 at about
7.55 PM while he was shutting his shop and returning, he heard
sound of firing and saw that some one has shot dead his father
and the person who had fired was caught by family members
and from his possession one country made pistol and one fired
cartridge was recovered. It is further alleged that 7-8 miscreants
had entered his house to commit robbery and while they were
fleeing away the villagers assembled there caught hold the
accused who had fired upon his father.



It has been submitted on behalf of petitioner that the allegation is that while the miscreants were fleeing and they were surrounded by the villagers, one of the miscreants fired, as a result of which father of the informant died. Informant is not an eye witness and no case under Section 396 is made out.

As there is direct allegation against petitioner of firing upon the father of informant, causing his death, I am not inclined to grant bail to the petitioner. Accordingly this application is dismissed.

However, the trial court is directed to expedite and conclude the trial at the earliest.

(S. Kumar, J)

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