

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75688 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- PHULWARISHARIF District- Patna

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AJAY KUMAR @ AJAY SHASHTRI @ AJAY PASWAN Son of Suresh
Paswan Resident of Village- Rastriyaganj Ram Janki Mandir, Birla Colony,
Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Ansar Ul Haque

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 18-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Phulwari Sharif P.S. Case No. 29 of 2018, disclosing offences punishable under Sections 302/120(B) of the Indian Penal Code and 27 of the Arms Act.

It is the case of the prosecution that on alleged date of occurrence, when the informant was returning back to her home, eight to ten persons came in motorcycles and surrounded the informant's son. The petitioner has been named in the F.I.R. among others, who are said to have surrounded the informant's son. All of them were armed with pistols. Allegedly co-accused Deepak prompted the petitioner to open fire whereupon, the petitioner fired a shot aiming the informant's son, who received



gun shot injuries was, thereafter, taken to hospital, where he died. It is alleged in the F.I.R. that earlier the miscreants were demanding for extortion money.

It is evident from the F.I.R. that there is direct allegation against the petitioner of having shot at the deceased. The postmortem report supports the case of the prosecution. From the statement made in paragraph 3 of the application, it appears that the petitioner is facing prosecution in at least nine cases of serious nature which are as under:-

“1. Phulwari Sharif P.S. Case No. 19 of 2018 U/S 302, 120 (B) /34 of I.P.C. (2) Phulwari Sharif P.S. Case No. 50 of 2018 U/S 25(1-b)a, 26/35 Arms Act (3) Phulwari Sharif P.S. Case No. 59 of 2017 U/S 324, 307, 326 of I.P.C. (4) Phulwari Sharif P.S. Case NO. 707 of 2015 U/S 147, 148, 149, 302, 341, 323 of I.P.C. (5) Phulwari Sharif P.S. Case No. 463 of 2009 U/S 302/34 I.P.C and 27 Arms Act (6) Phulwari Sharif P.S. Case No. 105 of 2008 U/S 395 I.P.C. (7) Phulwari Sharif P.S. Case No. 129 of 2006 U/S 147, 148, 149, 324, 504 I.P.C. (8) Phulwari Sharif P.S Case No. 712 of 2005 U/S 452, 341, 354, 323, 379/34 I.P.C. (9) Phulwari Sharif P.S. Case No. 270 of 2004 U/S 394 of I.P.C.”

Mr. Pramod Kumar Singh, learned counsel appearing on behalf of the petitioner has argued that the petitioner is in custody for the last two and a half years, and till date, even charges have not been framed. He has further submitted that the petitioner should not be made to remain in jail any more as there has been hardly any progress before the



Court below after submission of charge-sheet.

Be that as it may, considering the allegation against the petitioner by the informant, who is eyewitness of the occurrence, I am not inclined to grant the petitioner, privilege of regular bail for the present. This application is rejected.

The Court below is directed to take all possible steps to expedite the trial.

(Chakradhari Sharan Singh, J)

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