

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87498 of 2019**

Arising Out of PS. Case No.-115 Year-2017 Thana- CHANDI District- Bhojpur

Abhisek Kumar S/o Anil Kumar Singh @ Anil Kumar R/o village- Lodipur,
P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.08.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Anand Kumar Sharma submitted to the Station House Officer, Chandi Police Station is to the effect that on 30.10.2017 at 5.30 P.M., the father of the informant was going home by a bicycle, after closing his shop at Lodipur but, on the way, he was being surrounded by co-accused Anil Kumar Singh, Dharmendra Kumar Singh, Suraj Kumar Singh and Upendra Singh whereas he was being fired upon by the petitioner Abhisek Kumar and co-accused Niraj Kumar, as a result, he died.



It is submitted by learned counsel for the petitioner that for the alleged occurrence of 30.10.2017, the FIR was registered on 31.07.2019 and in the background of old enmity, the petitioner has falsely been roped in the present case.

Learned APP after going through the case diary submits that there is specific accusation of firing against the petitioner and co-accused Niraj Kumar and two injuries have been found on the person of the deceased during postmortem and petitioner is having serious criminal antecedent.

Considering the fact that the accusation of firing is against the petitioner, having serious criminal antecedent, this Court is not inclined to grant bail to the petitioner in connection with Chandi P.S. Case No. 115 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate-XII, Bhojpur at Ara.

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

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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