

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84844 of 2019**

Arising Out of PS. Case No.-362 Year-2016 Thana- FATUA District- Patna

Lalan Singh, S/o Shiv Shankar Singh, R/o village- Anandgolwa, P.S.-
Mohiuddin Nagar, District- Samastipur Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 25-06-2020 Heard learned counsel for the petitioner and learned

A.P.P. for the State as also the Investigating Officer of the case
who have joined the virtual Court proceeding as per order of this
Court.

Petitioner in the present case is seeking regular bail in
connection with Fatuha P.S. Case No. 362 of 2016 registered for
the offences punishable under Sections 302, 394 of the Indian
Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the
informant is not an eye witness of the alleged occurrence in which
his father who was A.S.I. of Police was shot dead. The F.I.R.
states that the unknown accused persons had killed the father of
the informant and had taken away the service revolver and
cartridges. It is further submitted that the petitioner has been
arrested on suspicion in another case being Barh P.S. Case No. 87
of 2017 on 29.03.2017 from where he has been remanded in the



present case on 20.07.2017.

It is further submitted that no incriminating material has been recovered from his possession and co-accused Rajnish Kumar Singh @ Rajnish Singh has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 38333 of 2019 vide order dated 11.09.2019.

Learned A.P.P. for the State as well as I.O. of this case have assisted this Court with complete case diary. Learned A.P.P. for the State submits that in fact in connection with the investigation of this case when the Police personnel were going, the co-accused Rajnish Kumar Singh @ Rajnish Singh had started firing on them and in paragraph '126' of the case diary it has come that on the basis of the confessional statement of the petitioner and the co-accused Rajnish Kumar Singh @ Rajnish Singh recovery of arms were made from the tenanted house of the petitioner from Barh in that connection Barh P.S. Case No. 87 of 2017 has been registered.

Learned counsel submits that although co-accused Rajnish Kumar Singh @ Rajnish Singh is said to have been granted bail by a learned co-ordinate Bench of this Court, however, he had also got criminal antecedent.

Having regard to the facts and circumstances of the case, wherein it appears that the petitioner after his arrest in Belchi



P.S. Case No. 11 of 2017 for the offences alleged under Sections 392/394 of the Indian Penal Code has made certain disclosure on the basis of which recovery of arms have been made and further from paragraph '3' it appears that the petitioner has got seven cases on his head all of serious nature and it is the submission of learned A.P.P. for the State that there is one more case being Barh P.S. Case No. 84 of 2017 under the provisions of the Arms Act in which also the petitioner is accused, this Court is not inclined to grant the privilege of regular bail to the petitioner.

Since the petitioner is said to be in custody in this case for three years, let the trial be expedited and steps be taken by the prosecution to ensure speedy trial as early as possible.

This application stands disposed of accordingly.

Learned A.P.P. for the State shall return the case diary received from the office of the learned Advocate General in the said office whereas part of the diary which was received directly from the I.O. of this case shall be returned to the I.O.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

