

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.609 of 2020

Arising Out of PS. Case No.-899 Year-2018 Thana- BIHTA District- Patna

Uma Shankar Prasad @ Chhotan @ Chhotan Kumar, Son of Tulsi Singh,
Resident of Village - Shiv Shakti Nagar, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Jitendra Singh, Sr. Advocate Mr. Kamal Kishor Singh, Advocate
For the State	:	Mr. J.N. Thakur, APP.
For the Informant	:	Mr. Ramchandra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Jitendra Singh, learned Senior counsel for the petitioner, Mr. J.N. Thakur, learned APP for the State and Mr. Ramchandra Singh, learned counsel appearing for the informant.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with 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 Kiran Singh submitted to the Station House Officer, Bihta Police Station, is to the effect that on 10.08.2018 at 7.00 A.M.,



the petitioner Uma Shankar Prasad @ Chhotan Kumar along with his father Tusli Singh, wife Renu Devi , Rahul Kumar, Manish Kumar, Ranjeet Kumar, Monu Kumar, Rajnish Kumar and one unknown persons came variously armed and on instigation of Renu Devi to kill, the petitioner fired with pistol, causing injury on the head of the husband of the informant, as a result, he fell down. Thereafter, the petitioner also fired upon the informant but the informant did not received any injury. The husband of the informant died on the spot.

It is submitted by learned Senior counsel for the petitioner that the husband of the informant was a criminal and due to old enmity, the petitioner has falsely been framed in the present case. The petitioner is informant of Bihta P.S. Case No. 136 of 2015 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act against the husband of the informant, who was a notorious criminal. It is further submitted that it appears very unreasonable and unbelievable that the father along with one son, the petitioner will come variously armed to kill others. Though, the petitioner has serious criminal antecedent but the most of the cases have been lodged at the behest of the present informant and her family members. The



petitioner is languishing in custody since 28.08.2018 and the order sheet of the learned trial Court from 16.05.2019 to 11.11.2019 quoted in paragraph 19 of the petition and the same being brought on record as Annexure-3 series, suggest that the prosecution deliberately did not produce the witness as a sinister design to keep the petitioner behind the bar.

Learned counsel for the informant submits that there is specific accusation against the petitioner, who is sole assailant, the petitioner has serious criminal antecedent and the accusation is being corroborated by medical opinion recorded in postmortem report.

Learned counsel appearing for the State submits that the petitioner is the main assailant having criminal antecedent and the trial has commenced.

Considering nature the accusation and same is being corroborated by medical opinion, this Court is not inclined to grant bail to the petitioner for the present in connection with Sessions Trial No. 229 of 2019, arising out of Bihta P.S. Case No. 899 of 2018, pending in the Court of learned Additional District & Sessions Judge-VI, Danapur.

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



It is expected from the learned trial Court to conclude the trial expeditiously preferably within a period of six months.

If the trial will not be concluded within a period of next six months without any laches on the part of the petitioner, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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