

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16611 of 2021**

Arising Out of PS. Case No.-459 Year-2018 Thana- FALKA District- Katihar

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PRAVESH SINGH S/o- Shiv Nandan Singh R/o- Bansgarha, P.S.- Korha,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

6 16-12-2021 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 17.08.2020 seeks
regular bail in connection with Falka (Pothia) P.S. Case No. 459
of 2018 registered for offences punishable under Sections
394/302 of the Indian Penal Code and Section 27 of the Arms
Act.

Prosecution case in brief is that the informant is an
employee of Bandhan Bank, on the date of occurrence he along
with one Mukesh Kumar (deceased) were going to Amin
Chowk, in way two miscreants intercepted them, out of which
one miscreant fired upon the informant and thereafter, Mukesh



Kumar died on the spot. Miscreants snatched the bag of the informant containing Rs. 68,000/- along with other important documents.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR and his name has surfaced in course of investigation on the confessional statement of one Rajesh Yadav. He further submits that FIR is against two accused persons and later on during the investigation, it has come that four persons were involved in the said case and as such the very identity of the accused person is doubtful as to who has fired upon the deceased. It is further submitted on behalf of the petitioner that no incriminating article has been recovered from the possession of the petitioner. He further submits that on the ground of parity he be released on bail as one co-accused Fucho Yadad @ Sanjay Yadav has already been enlarged on bail vide order dated 25.04.2019 passed in Cr. Misc. 7887 of 2019.

Learned counsel appearing on behalf of the State submits that from perusal of paragraph No. 6 of the supplementary case diary it has come in investigation that the occurrence has been supported by witnesses and in paragraph No. 6 of the supplementary case diary one Rajesh Yadav has



given his statement that the petitioner has fired upon the deceased. It is further submitted on behalf of the State that the petitioner is a history-sheeter and he is engaged in similar cases and there is every likelihood of tempering with the evidences by this petitioner if he is released on bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail and as such the prayer for bail of the petitioner is rejected.

It is directed that the Court below should proceed with the trial expeditiously within a period of nine months.

The petitioner, if so advised, may renew his prayer for bail if no substantial progress takes place in the trial.

(Purnendu Singh, J)

Niraj/-

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