

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27678 of 2021**

Arising Out of PS. Case No.-335 Year-2020 Thana- JAGDISHPUR District- Bhojpur

SHYAM BIHARI SINGH S/O Upendra Singh Resident of Vill - Rampura,  
P.S. - Jagdishpur, Dist. - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sudhish Kumar, Advocate                             |
| For the State        | : | Mr. Jagdhar Prasad, APP                                 |
| For the Informant    | : | M/s Anant Kumar Mishra,<br>Niraj Kumar Singh, Advocates |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      23-12-2021                      Heard learned counsel for the petitioner, learned  
APP for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the petitioner is stated to have fired from his licensed rifle causing firearm injury on the head of the uncle of the informant as a result of which he died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The land dispute between the parties would be evident from the contents of the FIR itself. Learned counsel for the petitioner further refers to the FIR lodged by the petitioner himself which has been brought as annexure to the supplementary affidavit to



submit that the manner of occurrence is other than what has been narrated in the FIR. The petitioner himself was admitted in the Intensive Care Unit of a private hospital. There is an inordinate delay of four days in lodging of the FIR. The petitioner is in custody since 29.12.2020 and has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is the assailant of the deceased.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the allegation against the petitioner of having fired on the uncle of the informant hitting him on his head which is supported from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

Spd/-

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