

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27004 of 2020

Arising Out of PS Case No.-226 Year-2018 Thana- BARAUNI District- Begusarai

Ram Shankar Singh @ Rama Shankar Singh, Gender- Male, Aged about 23 years old, Son of Naga Singh @ Chunchun Singh, Resident of Village - Simariya, PS- Barauni (Chakiya), District - Begusarai. PIN- 851126.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Jeetendra Narayan, learned counsel for the petitioner and Mr. Nityanand, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Barauni (Chakiya) PS Case No. 226 of 2018 dated 04.06.2018, instituted under Sections 326/307/34 of the Indian Penal Code and Section 27 of The Arms Act, 1959.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 04.12.2019 passed in Cr. Misc. No. 45315 of 2019.



5. The allegation against the petitioner and another co-accused of firing on the informant due to dispute relating to non-payment of cigarette taken by the petitioner from the shop of the informant.

6. Learned counsel for the petitioner submitted that there was no intention to kill and the incident occurred on the spur of the moment. It was submitted that the petitioner was only admitted to the hospital for one day and discharged that too in a private hospital. It was submitted that the petitioner is in custody since 24.12.2018.

7. Earlier, the Court had called for the injury report, which has been received by the learned APP.

8. Learned APP submitted that the injury report clearly discloses that a bullet was recovered from the left clavicle of the chest of the informant. It was further submitted that the petitioner also has criminal antecedent as in two cases of the year 2015 and 2018, he is an accused and the cases are under serious sections including 307 and 302 of the Indian Penal Code as also the Arms Act. It was further submitted that there is allegation of the petitioner having fired on the informant after being refused to be given a cigarette demanded by him.



9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner as no fresh ground has been made out for the same.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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