

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30752 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- KACCHWA District- Rohtas

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DARA SINGH @ ABHIJEET SINGH Son of Shri Badshah Singh Resident of
Village - Sohada, P.S.- Kachhawan, Distt.- Rohtas (Bihar).

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Pramod Kumar Sinha, Advocate.
For the State	:	Mr. A.P.P.
For the Informant	:	Mr. Surendra Kumar Mishra, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 07-04-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant, through Video Conferencing.

The petitioner seeks bail in connection with

Kachhawan Police Station Case No.28 of 2019 registered under

Section 302 of the Indian Penal Code besides Section 27 of the

Arms Act, pending in the court of the Additional Chief Judicial

Magistrate-II, Bikramganj, Rohtas.

The accusation is that informant Keshav Singh was

sitting at Chabutra near the Pipal tree in Amauna Bazar at about

06.30 P.M. on 28.05.2019. At that time, his son Indrabhushan

Singh alias Manjee Singh was taking tea at the tea shop of Suga

Saw. In the meantime, Dara Singh (petitioner) came there



boarding on Apache Motorcycle and took out pistol from his waist and fired at his son Indrabhushan Singh. In the same market, Chandra Bhushan Singh and Shashi Bhushan Singh, other sons of the informant, were also present and they tried to catch hold him but he succeeded to flee away. The cause of occurrence is for parking the bus as his son was driver of the bus.

Learned counsel appearing on behalf of the petitioner submits that, earlier, the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 05.03.2020 passed in Criminal Misc. No.70541 of 2019 on merit. Further submission is that, in fact, the petitioner is Lekhpal in Martinganj Tahshil, District-Azamgarh, and on the date of occurrence, the petitioner was called at Tahshil for attending the meeting and he had also put his signature on the Attendance Register and the place of occurrence is 100 kilometers away from Tahshil. The petitioner is in custody since 11.09.2019. While the case of the petitioner has already commenced but out of the 13 witnesses, only two witnesses have been examined till date and there is no chance of conclusion of trial in near future due to Pandemic COVID-19.

On the other hand, learned counsel for the informant



submits that the distance of Tahshil is 100 kilometers from the place of the occurrence and the petitioner is field worker and not the employee of Tahshil, as such, reaching of the petitioner at the place of occurrence from that place is quite possible.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to reconsider the prayer of the petitioner for grant of bail. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the learned trial court is directed to conclude the trial of the petitioner within nine months from the date of receipt/production of a copy of this order by taking all effective steps.

(Rajendra Kumar Mishra, J)

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