

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25982 of 2020

Arising Out of PS. Case No.-234 Year-2014 Thana- SAHPUR District- Bhojpur

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UMA SHANKAR RAI S/o Late Radha Krishna Rai Resident of Village-
Sarangpur, P.S.-Shahpur, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr.Sada Nand Roy
For the Opposite Party/s : Mr. Ram Priya Sharan Sing

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 15-01-2021 Heard Mr. Vikramdeo Singh, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned APP

for the State.

The petitioner seeks bail in connection with

Shahpur P.S. Case No. 234/2014 (S. Tr. No. 164/2017)

instituted for the offences under Sections 147, 148, 149 and

302 of the Indian Penal Code and Section 27 of the Arms

Act.



The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 27.11.2019 passed in Cr. Misc. No. 58419 of 2019.

The petitioner, according to the F.I.R. is the assailant of the deceased.

Mr. Vikramdeo Singh, learned counsel for the petitioner has however pointed out that from the First Information Report itself it would appear that the occurrence took place at about 7.15 A.M. on 23.08.2014. The F.I.R. was registered thereafter. The inquest report, however, indicates that the inquest was done in the Sadar Hospital, Ara.

The submission advanced on behalf of the petitioner is that this fact ought to have been stated in the first information report that after the deceased received gun shot injuries, he was brought to the hospital for treatment but he died.

Two persons including the informant are said to be eye-witnesses to the occurrence. The petitioner has been named as an assailant by the informant but the other eye-



witness has attributed the act of firing to some other accused person and not to the petitioner.

Apart from this, it has been submitted that all other accused persons have been granted bail but the petitioner is in custody since 01.07.2019.

This court had called for a report about the stage of the case from the court below. Instead of sending a clear report, the court below has for reasons which is not explicable to this Court, sent a brief history of the case. The stage of the case ought to have been stated succinctly and with clarity.

On going through the long-winding report, this Court could only assess that a discharge petition is pending before the court below for adjudication. This, therefore, appears that the charges of this case has not yet been framed.

However, considering the nature of accusation in the First Information Report, I am not inclined to grant bail to the petitioner for present.

The prayer for bail is rejected.



If there is no substantial progress in the trial within the next nine months and the delay is not attributable to the petitioner, he may renew his prayer for bail.

(Ashutosh Kumar, J)

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