

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31617 of 2020

Arising Out of PS. Case No.-1074 Year-2019 Thana- BIHTA District- Patna

DEO KUMAR SINGH @ DEV KUMAR Son of Arun Singh Resident of
Village - Chatani, P.S. - Naubatpur, District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Opposite Party/s : Mr. Parmeshwar Mehta (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-01-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Bihta P.S. Case No. 1074 of 2019 registered for the offence punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner has criminal antecedent inasmuch as he is an accused in Udwant Nagar P.S. Case No. 133 of 2018 registered for the offence punishable under Sections 302/34 of the Indian Penal Code. It is alleged in the F.I.R. that the petitioner and some other miscreants had entered into the IIT campus Amhara (Bihta). Construction work was going on in the campus and the persons engaged in the construction work resisted the petitioner and others from playing *Jua*. It is alleged



in the F.I.R. that the miscreants thereafter assaulted the workers engaged in the construction work. This fact was reported to the Contractor. The Contractor, who was not available in the campus, when the occurrence had taken place. On return, when he was enquiring from the workers about the occurrence, the petitioner and his fellow men allegedly again entered into the campus. There is allegation against the petitioner of indiscriminate firing, causing firearm injury to the persons present in the campus.

Mr. Yogesh Chandra Verma, learned counsel appearing on behalf of the petitioner has submitted that there is apparent discrepancy between the statements of the informant, as disclosed in the F.I.R. and one recorded under Section 164 of the Cr.P.C. The informant has submitted in the F.I.R. that he had gone Bihta to fetch vegetables and in his statement recorded under Section 164 of the Cr.P.C., he disclosed that he had gone to purchase medicines. He has further submitted that even if the allegation is treated to be correct, the petitioner was allegedly in inebriated condition, when the occurrence had taken place and for the said reason also the petitioner deserves to be released on bail.

Considering the petitioner's criminal antecedent and



the direct allegation in the F.I.R. corroborated by the statement recorded under Section 164 of the Cr.P.C. that it was he, who had started indiscriminate firing, I am not inclined to grant the petitioner, privilege of regular bail for the present.

This application is accordingly rejected.

In the meanwhile, the petitioner shall be at liberty to renew his prayer for bail after six months, if there is no substantial progress at the trial.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

