

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6763 of 2021

Arising Out of PS. Case No.-123 Year-2019 Thana- KEWATI District- Darbhanga

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KRISHNA SAHU ALIAS KRISHNA KUMAR SAHU SON OF DUKHI
SAHU RESIDENT OF VILLAGE - BINWARA, KOILATHA B.K.
ASTHAN, P.S. - KEOTI, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Adv.

For the State : Mr. Arvind Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial no. 21 of 2020 (arising out of Kewati P.S. Case no. 123 of 2019) registered under section 307 of the Indian Penal Code.

As per allegation in the FIR, the petitioner along with others are stated to have come on motor-cycle near the informant. It is stated that the petitioner fired hitting the informant in his head over his left ear.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. He has been falsely implicated in the case. While the



occurrence is alleged to have taken place on 25.8.2019 at about 4:05 am, from perusal of the injury report it would transpire that the time of examination of the informant was 4:37 am on 25.8.2019 at DMCH from where he was referred to PMCH Patna. It is submitted that the very fact that the petitioner was examined in the hospital just 17 minutes after the alleged occurrence, the distance between the place of occurrence and the DMCH being such which cannot be covered in 17 minutes, it would clearly show that the petitioner has been falsely implicated. Further while the allegation in the FIR is of the petitioner having shot the informant, the injury report shows that the injury to have been caused by hard blunt object. Due to Covid-19 there is no progress whatsoever in the trial in the learned Court below and the petitioner is in custody since 14.11.2019.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that the petitioner is the main assailant who shot the informant with the firearm on his head. The allegations are substantiated from the deposition of the witnesses and the discharge summary report of Paras Global Hospital which has been incorporated in the case diary.



Having heard learned counsel for the parties and on perusal of the report as contained in letter dated 1.6.2021 three out of the seven prosecution witnesses have been examined.

Taking into consideration the facts of the case together with the petitioner being the main assailant having shot the informant with a firearm in his head, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned Trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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