

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8423 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- BYPASS District- Patna

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KARU SINGH @ ANIL SINGH SON OF SAGAR SINGH @ RAMSAGAR
SINGH R/O VILLAGE- MARCHI, P.S.- BYPASS, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Rai, Adv.
For the Informant	:	Mr. Baxi S.R.P. Sinha, Sr. Adv.
		Mr. Yogendra Kumar, Adv.
For the State	:	Mr. Anil Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per allegations in the F.I.R., it is stated by the informant that he was fired upon by two accused persons including the petitioner herein with the intention to kill him. He further states that he has ongoing land dispute from before with Mithilesh Singh.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Firstly, the informant himself states that the firing was from



behind and as such, he could not witness the actual occurrence. Further, admittedly the land dispute is with co-accused Mithilesh Singh and not the petitioner. There is no cause for the petitioner to give effect to such an occurrence. The petitioner is in custody since 10.7.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned Senior counsel appearing for the informant. It is submitted by learned Senior counsel that it was the informant himself who was shot at by the petitioner and who died in course of treatment. Thus, the fardbeyan would be a dying declaration.

Having heard learned counsel for the parties and in view of the direct allegations in the F.I.R. by the informant/deceased of the petitioner having fired and the same having been confirmed by two gun shot injuries found in the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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