

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9513 of 2022

Arising Out of PS. Case No.-136 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Rajesh Prasad, S/o Late Mahajan Prasad, R/o Village-Tarwara, Koeri Tola,
P.S.- G.B. Nagar, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Raghav Prasad, Advocate
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr. Uday Bhan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-04-2022 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned APP for

the State.

The petitioner seeks bail in connection with S.Tr.
No.550 of 2019 arising out of G.B. Nagar P.S. Case No.136 of
2019 registered for the offence punishable under Section 307/34
of the Indian Penal Code and section 27 of Arms Act, which is
pending in the court of learned Additional Sessions Judge-VII,
Siwan.

Earlier petitioner's prayer for bail was rejected on
11.11.2020 in Cr.Misc. No.29046 of 2020. The prayer has been
renewed.

The allegation is that while the informant was



guarding his vegetables along with some persons, including the petitioner, the petitioner has opened fire which has hit the informant on his cheek.

The petitioner's counsel has submitted that no motive has been assigned by the informant. The prosecution case appears highly improbable that persons who were guarding vegetables will inflict a firearm injury on one another. The submission is that it is a case of false implication and that the petitioner is not of very sound state of mind.

On the Court's query whether there is any material in the investigation to suggest that the petitioner is of unsound mind, the Counsel has fairly submitted that in the investigation no such material has come as investigation has not been done on this point.

Learned APP and the learned counsel for the informant have submitted that the injured as well as one Akshay Lal, who is an eye-witness, was examined during the trial and they have supported the allegation of causing firearms injury upon the informant's cheek. The trial is progressing.

Considering the rival submissions, nature of allegations and materials which have been brought to the notice of this Court, as taken note of above, this Court, for the present,



is not inclined to allow the petitioner's prayer for grant of bail.
The same is rejected.

The petitioner has been in custody since 18.12.2019.
This Court, therefore, would observe that the trial court should
proceed with the trial expeditiously without any unnecessary
delay or undue adjournments.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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