

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19391 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- JAGDISHPUR District- Bhojpur

Sunny Shah (Male) aged about 25 years, S/o RAjendra Shah R/o Village and Post- Simruan, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with Jagdishpur P.S. Case No. 140 of 2021 lodged under Sections 302/34 of the Indian Penal Code read with Section 27 of Arms Act.

As per the prosecution story, the informant has stated that he was sitting at his house with this cousin, in the mean time the present petitioner alongwith 4 other accused persons reached there. Specific allegation is upon accused Umesh Paswan to hit Narad Mahto in the chest and thereafter allegation was upon the present petitioner to fire on the person of the

deceased.

Learned counsel for the petitioner submits that there is an allegation upon the accused Umesh Paswan to hit by fire arm on the chest of the deceased. He further submits that the injury report and post-mortem report indicates that there are 2 places, one is at chest and another is at the shoulder. The injury of fire arm is there on the person of the deceased. He further submits that petitioner is in custody since 21.06.2021, chargesheet has already been filed and charge is also framed in this case as well as antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail and submits that as per the post-mortem report the injury is caused due to fire arm weapon.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that in furtherance of common intention accused Umesh Paswan and the present petitioner both have shot fired on the body of the deceased. He further submits that not only charge has been framed rather all the prosecution witnesses were examined. He also submits that the next date fixed in this case is for examination of accused under Section 313 of Cr.P.C. He further submits that the physical appearance under Section 313 of Cr.P.C. is necessary

and if bail shall be granted, there may be a chance of delay in trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and directing the Trial Court to expedite the trial at the earliest, within 6 months.

In case the trial shall not concluded within 6 months then the petitioner is at liberty to move for bail.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

ritik/-

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