

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19669 of 2022**

Arising Out of PS. Case No.-389 Year-2019 Thana- LALGANJ District- Vaishali

UDAY PANDEY SON OF SRI ARVIND PANDEY R/O VILLAGE-
LAKHAN SARAI, P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Ms. Vaishnavi Singh
For the State	:	Mr.Pramod Kumar
For the Informant	:	Mr. Vibhuti Kumar

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 23-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in Lalganj P.S. Case no. 389/2019 registered for the offences punishable under sections 302, 307 and other allied sections of the Indian Penal Code and 27 of the Arms Act.

As per prosecution story, informant, his elder brother and his father who are government employees came to their home on the occasion of Chhath festival, thereafter, accused persons including the petitioner asked them to give party which was refused by the informant, his brother and father and thereafter as per allegation,



accused persons took rifle from their house and started firing indiscriminately at the informant and his brother as a result of which they became injured and then father of the informant and other family members rushed the injured persons to hospital where elder brother of the informant died during course of medical treatment.

The main submissions advanced by Sri Ajay Kumar Thakur, the learned counsel for the petitioner are that earlier prayer for bail of the petitioner was rejected by this court and now, petitioner has renewed his second bail petition mainly on the ground that the petitioner has been languishing in jail since 12.11.2019 and even after long custody, case of the petitioner has not been committed to the court of sessions and in between the parties, there is case and counter case and both the cases have to be taken together for trial due to which a long time may be taken in disposal of the petitioner's case.

Sri Pramod Kumar, learned APP appearing for the State and learned counsel for the informant have opposed the prayer for bail and submitted that against the petitioner there is criminal antecedent and alleged firearm was recovered from the house of this petitioner against him there is serious allegation.

Heard both sides, perused the FIR and case diary of the case. Against the petitioner, there is serious and specific allegation and he allegedly caused firearm injury to the informant and his brother due to that informant's brother died in course of medical



treatment and the FIR goes to show that alleged occurrence was committed in a planned way. Though the petitioner has been languishing in jail since 12.11.2019 but considering nature of the allegation in the opinion of this court, he does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

The court concerned, where petitioner's case is pending for commitment, is directed to commit the case at the earliest and after commitment, petitioner's trial must be concluded within one year by the concerned trial court. If trial of the petitioner is not concluded within the stipulated period then the petitioner may renew his prayer for bail.

(Shailendra Singh, J)

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