

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29044 of 2021

Arising Out of PS. Case No.-199 Year-2018 Thana- PIRO District- Bhojpur

HARSHIT KUMAR @ HARSHIT SINGH @ HARSHIT KUMAR SINGH
Son of Manoj Kumar Singh Resident of Village - Sikraul, Police Station -
Sikrahatta, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
Mr. Sanjay Parasmani, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has renewed his prayer for bail in a case registered under section 302 and other sections of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 30.5.2019 passed in Cr. Misc. no.15859 of 2019 and order dated 13.7.2020 passed in Cr.Misc.no.10801 of 2020.

The prosecution case is that as a result of indiscriminate firing by the petitioner, the brother of the informant was shot on his right hand and right temple.



Thereafter allegation of firing is on eleven other named co-accused.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. On merits, it is submitted that against the specific allegation of firing and the brother of the informant being hit on the right side of the temple, the postmortem report would show that no wound of entry has been found on the right side. It is further submitted that the postmortem report does not support the allegations in so far as against the allegation of firing on twelve accused persons one gun shot injury has been found on the body of the deceased. A number of F.I.R named accused persons namely Harkhen Thakur and Prakash Choudhary have been enlarged on bail vide orders which has been brought on record as Annexure-4 series. The petitioner has remained in custody since 10.5.2018 and there is no progress in the Court below with not even a single witness having been examined on behalf of the prosecution.

Heard learned A.P.P. for the State.

A report was called from the learned trial Court. As per the report contained in letter dated 3.1.2022 cognizance has been taken.



Having heard learned counsel for the parties and taking into consideration the facts of the case, the grant of bail to the other coaccused, the petitioner having remained in custody for 3 years 8 months and there being no progress in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Piro P.S. Case no. 199 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Ara, District Bhojpur.

(Partha Sarthy, J)

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