

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53524 of 2021

Arising Out of PS. Case No.-123 Year-2019 Thana- CHIKSAUR District- Nalanda

Binod Prasad Son Of Chandeshwar Prasad Resident Of Village - Chandar
Bigha, P.S.- Chiksaura, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mrs. Vaishnavi Singh, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Chiksaura P.S. Case No. 123 of 2019 for
the offences punishable under Sections 302/34 of the Indian
penal Code and section 27 of the Arms Act.

The prosecution case is based on a written report
alleging therein that while, the informant was sitting with
his wife, in the meantime, FIR named accused persons
including the petitioner variously armed reached there and



thereafter, the wife of the petitioner and Lalan Prasad caught hold of his wife and on the dictate of Lalan Prasad, the petitioner fired from his rifle on her chest and she succumbed to injuries.

Learned counsel for the petitioner submits that the though there is specific allegation against the petitioner that he fired upon the wife of the informant resulting into his death but surprisingly the occurrence took place at about 7 a.m on 23.12.2019 and soon thereafter, the inquest report has been prepared at about 11 a.m and the informant is also signatory whereafter, the post mortem report was also conducted but no FIR was lodged till then and later on the FIR has been instituted at 6.30 p.m on 23.12.2019 which makes the entire prosecution case suspicious. It is also submitted that the post mortem report suggest that time elapsed since death 12 to 36 hours, which also falsify the prosecution case. It is lastly submitted till that only 2-3 witnesses have been examined and some of the witnesses are yet to be examined.

On the other hand, learned counsel for the State as well as informant opposed the bail application of the



petitioner and submits that there is specific allegation that petitioner shot fire upon the wife of the informant resulting into his death. There are eye witness to the alleged occurrence, who have supported the prosecution case.

Having heard the rival contentions of the parties and taking into consideration the specific nature of accusation and gravity of the offence, this Court is not persuaded to enlarge the petitioner on bail and hence, his prayer for bail stands rejected.

However, it is expected that the learned trial court will take all necessary measures, to conclude the trail of the petitioner as early as possible, preferably, with a period of six months.

(Harish Kumar, J)

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