

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58423 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- KASIMBAZAR District- Munger

CHANDAN KUMAR Son of Jai Jai Ram Sah Resident of Mokhvira Chai
Tola, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate with
Mr. Atul Kumar, Advocate.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 26-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Rakesh Kumar Sharma, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kasim Bazar P. S. Case No. 70 of 2021
registered for the offences punishable under Sections 147, 148,
149, 326 and 302 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that on



05.03.2021 at about 02:00 P.M., a scuffle took place between his brother-in-law and one Om Prakash Sah with respect to the land, on account of the aforesaid scuffle all the F.I.R. named accused persons including the petitioner with 10-12 unknown persons came to Kali temple, where the informant, his nephew Sagar along with 10-15 villagers were present. It is specifically alleged that the petitioner fired upon the nephew of the informant due to which he sustained fire-arm injury resulting into his death.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is an army-man and came to his maternal home in the vacation and he had neither any motive nor any reason to kill the deceased but on account of some village dispute and family feud, his name has been shown to be main assailant. It is also submitted that during the course of investigation, it has come that out of sixteen charge sheet witnesses, altogether five witnesses have been examined, however, all of them turned hostile. He also categorically submitted that the informant has also examined and he has not supported the prosecution case. It is further submitted that the petitioner is in custody since 07.03.2021 and on account of his custody, his entire service is on peril.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner is the main assailant and there is specific allegation against him that he shot dead the nephew of the informant.

Regard being had to the submissions made on behalf of the parties and taking into account the specific nature of accusation and gravity of the offence, this court is not persuaded to enlarge the petitioner on bail for present. However, it is expected that the learned trial court will take all necessary measures to conclude the trial as early as possible and if the trial is not concluded within a period of three months, the petitioner would be at liberty to renew his prayer for bail before this court along with the present status.

Accordingly, the present application application stands dismissed with the aforesaid liberty.

(Harish Kumar, J)

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