

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60942 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

Chandeshwar Das @ Chandrasekhar Das @ Baba Jee, Son of Anandi Das,
Resident of Village - Bhamrupur, P.S.- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with S. Tr. No. 102 of 2021 arising out of Town P.S. Case No. 194 of 2020 registered for the alleged offences under Sections 302 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons opened fire on the son of the informant killing him on the spot. They also threatened her and her family members with life, if they named them as accused persons.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. No Test Identification Parade was conducted. There is no evidence direct or circumstantial to connect the petitioner with the alleged crime. The charges have been framed in this case and the petitioner is in custody since 04.10.2020.

Learned APP vehemently opposes the prayer for bail submitting that a number of gunshot wound have been found on the body of the deceased and the death has been caused due to hemorrhagic shock with target organ damage caused by the injuries mentioned in the post mortem report and caused by firearms. Altogether 11 injuries have been found on the body of the deceased and six bullets have been extracted from the body of the deceased. The petitioner is named in the FIR as one of the assailants, who fired upon the son of the informant causing his death. It is further submitted that the petitioner is a habitual offender and he has been named in a number of cases as accused.

At this point, learned counsel for the petitioner submits that the petitioner has been acquitted in a number of cases, but he is not sure in how many cases.

Perused the records.



Having considered the fact that there is specific allegation against this petitioner for firing upon the son of the informant and corresponding injuries have been found on the body of the son of the informant, I do not think it is a fit case for grant of bail. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial.

(Arun Kumar Jha, J)

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