

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4206 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- MAIRWAN District- Siwan

SANTOSH PANDEY Son of Dhruv Pandey Resident of Village - Langarpura,
P.S.- Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 341, 342, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is a case of commission of murder by opening fire with common intention by the petitioner and 3-4 other accused persons to the informant. Specific allegation against the petitioner is of opening fire which hit the hand of the deceased. Co-accused Vijay Pandey and Yogendra opened fire which hit his abdomen and co-accused Pradeep Dubey opened fire on the back of the deceased.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Specific allegation of opening fire on vital organ is against other accused persons. Petitioner hit his hand by gun shot, which is not a vital organ. FIR was lodged after a delay of two days. Petitioner is languishing in judicial custody since 1.10.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that petitioner is also one of the assailants who opened fire upon the deceased. During investigation, several witnesses have supported the prosecution story. Postmortem report corroborates the allegation as alleged in the FIR. Doctor opined cause of death due to fire arm injuries. It is further submitted by learned counsel for the informant that fardbeyan may be treated as dying declaration.

6. Having heard the learned counsel for the parties and considering gravity of the offence, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. Progress report dt. 28.06.2023 suggests that trial is likely to be concluded within a period of nine months.

8. The trial court is directed to expedite and conclude the trial within the stipulated period, failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

