

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21561 of 2023**

Arising Out of PS. Case No.-1 Year-2021 Thana- SHRI NAGAR District- Madhepura

Panchanand Das @ Panchu Das Son of Ganeshi Das @ Ganeshi Tatma
Resident of Village-Laxmipur Bhagwati, Police Station-Srinagar, District-
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Srinagar P.S. Case No. 01 of 2021 registered on 06.01.2021 for the alleged offences under Sections 341, 323, 153(A), 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and co-accused persons entered into altercation with the informant and others while the informant was purchasing fish. Further, allegation against the petitioner is that he fired upon one Md. Saiyad in his chest on saying of co-accused Satyam during this altercation. The petitioner and other co-accused persons tried to abduct the



informant and one Md. Tarique.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Informant has not alleged any motive for the occurrence. Learned counsel further submits that petitioner was selling fish and some dispute arose over the price of the fish and informant and his supporters tried to snatch the fish from the petitioner and in course of this scuffle, some firing took place from the side of the informant and the shot hit the injured person. Learned counsel further submits that the petitioner is having criminal antecedent of 25 cases, but most of the cases have been lodged by the police in highhandedness as is clear from perusal of the list of the cases as a number of cases of same police station has been mentioned. The petitioner is only 29 years old, but his complicity in the cases have been shown since the year 2008. The petitioner is in custody since 05.03.2021 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is direct allegation against the petitioner that he opened fire and shot at the victim in his chest and the injury was found to be grievous in nature. Learned APP further submits that it shows an attempt



of the petitioner to take the life of the victim Md. Saiyad. Learned APP further submits that petitioner is a habitual offender and is accused in altogether 25 cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that there is specific allegation against this petitioner that he fired upon the chest of the Md. Saiyad and further considering the criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Hence, the prayer for bail is rejected.

8. However, the learned trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

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