

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29515 of 2023

Arising Out of PS. Case No.-463 Year-2021 Thana- PATLIPUTRA District- Patna

Rishi Sardar @ Manjeet Singh Son Of Amarjeet Singh Resident Of Punjabi Colony, Chitkohara, P.S.-gardanibagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 25.10.2021 in connection with Sessions Case No. 197 of 2022 arising out of Patliputra P.S. Case No. 463 of 2021 F.I.R. dated 13.09.2021 for the offences punishable under Sections 307, 115/34/120(B)/326 Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, petitioner is alleged to have fired gun shots upon the informant for the intention to kill him.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to his previous criminal antecedent and information furnished by his wife. He further submits that the petitioner is not named in the F.I.R. and his name is transpired on the basis of spy as well as confessional statement of the co-accused person, namely, *Amit*



Kumar Singh @ Viru @ Shekhar which was recorded in Paragraph No.- 35 of the Case Diary in which he has categorically stated that the petitioner has fired upon the victim and the victim-informant has received gun shot injury on the chest, which is vital part of the body. He further submits that the injury of the victim-informant suggest that the injury is grievous in nature. Apart from the aforesaid, the petitioner carries twenty criminal antecedents other than the present one and all are serious nature of offence.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim-informant. He further submits that he has received gun shot injury on his chest and the injury report of the victim-informant suggest that the injury is grievous in nature, caused by the fire arm injury. Learned counsel for the State further submits that co-accused person, namely, ***Amit Kumar Singh @ Viru @ Shekhar*** in his confessional statement has categorically stated that the petitioner has inflicted two fire arm injury upon the victim.

6. Vide order dated 25.07.2023, a report was called with regard to the stage of the trial. Report dated 19.08.2023 of the learned trial court reveals that the charge has been framed against the petitioner on 14.11.2022 and the sole witness i.e., P.W.1 Sunny Singh has been examined and the case record is pending for rest



cross-examination of the P.W.1 on behalf of the accused person, namely, ***Rishi Sardar @ Manjeet Singh (petitioner)***.

7. Considering the aforesaid facts and circumstances, that there is direct and specific allegation against the petitioner that he had fired upon the victim-informant and he has carried twenty cases, which are pending against the petitioner and report of the learned trial court reveals that trial is going on, I am not inclined to enlarge the petitioner on bail in connection with Sessions Case No. 197 of 2022 arising out of Patliputra P.S. Case No. 463 of 2021 pending in the court of learned Additional District and Sessions Judge – XVIII, Patna.

9. Prayer is refused.

10. However, the learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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