

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38671 of 2022

Arising Out of PS. Case No.-121 Year-2016 Thana- PAKRIDAYAL District- East Champaran

Rakesh Singh @ Rakesh Kumar Singh, aged:-42 years, Male, Son of Late Ranjeet Singh @ Late bhola Singh @ Ranjeet Prasad Singh @ Bhola Babu Resident of village- Sirha, P.s.- Pakridayal, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Kanchan Kumari, Advocate
For the State	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 15-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 181/2019 arising out of Pakridayal P.S. Case No. 121/2016 registered for the offence punishable under Section 147, 148, 149, 302, 307 120(B)/34 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

The petitioner is named accused of indiscriminate firing by means of sophisticated arms. Three (3) persons have been killed in the incident and a child has sustained fire arm injury on his waist.

The petitioner's earlier bail application bearing **Cr. Misc. No. 10590/2020** was withdrawn under instructions, since the trial was stated to be at an advance stage. The prayer has been renewed and learned counsel for the petitioner submits that, in fact, the accusation is counterblast to a criminal case lodged by the petitioner in the year 2002, against the prosecution parties. Learned counsel for the petitioner submits that co-accused have been allowed bail. It is further submitted that, in fact, the petitioner was not residing in the



area, and he has been implicated on extraneous considerations.

Learned Additional Public Prosecutor (for brevity 'APP') for the State has opposed the prayer. It is submitted that informant has made the accusations as an eye witness. The same stands corroborated by the injury report which shows fire arm injuries received by the persons, as a result of firing by the petitioner.

Considering the aforesaid submissions, accusations, and material collected by investigation, this Court would find that allegation against the petitioner is specific by name. The claim based on parity, therefore, with those who were having general and omnibus allegations does not find favour with this Court. The petitioner's custody, however, is an issue which is required to be considered, since he is in custody since 26.09.2018.

The Court would observe that the petitioner in his affidavit has stated that four (4) out of nine (9) witnesses have been examined at the trial, therefore, the Trial Court should proceed expeditiously, with a view to finality of the trial without any undue delay or unnecessary adjournments preferably within four (4) months.

Accordingly, application is rejected.

(Madhuresh Prasad, J)

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