

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45815 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- MAHISHI District- Saharsa

Md. Ful Hassan Son of Late Sahadat Resident of village - Karhara, P.S.-
Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Diwakar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 447, 379, 504 and 506 of the Indian Penal Code and
Sections 25(1-b)A, 26, 27 and 35 of the Arms Act and later on
Section 302 of the Indian Penal Code was also added.

According to prosecution case, all the accused persons
including the petitioner hit the informant with a brick on his



head and when her father came to rescue her, the petitioner shot at him at his head. It is further alleged that they had also assaulted the grandfather of the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner has shot the father of the informant at his head. He further submits that the father of the informant died after 16 days of the date of the occurrence and the postmortem report also not supported the allegation as alleged in the F.I.R. The petitioner is in custody since 24.01.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner and he fired upon the father of the informant and he died subsequently. They further submit that the petitioner carries one more criminal antecedent other than the present one.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mahishi P.S. Case No. 233 of 2021 pending in the court of learned



Additional Chief Judicial Magistrate-2, Saharsa.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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