

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78161 of 2023

Arising Out of PS. Case No.-327 Year-2009 Thana- Turkauliya District- East Champaran

Uma Shankar Rai @ Uma Shankar Prasad Yadav Son of Thaga Rai @ Thagu Rai, Resident of Village - Gokhula, P.S. - Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Sessions Trial No.622 of 2023 arising out of Turkauliya (Banjariya) P.S. Case No. 327 of 2009 lodged on 15.12.2009 instituted for the offences punishable under Sections 307, 504 of the Indian Penal Code and Section 27 of Arms Act.

3. The petitioner has prayed for regular bail under Section 439 of Cr.P.C. on the following grounds:-

(i) The petitioner has been implicated in the case under Section 307, 504 of I.P.C. and Section 27 of the Arms Act.

(ii) Petitioner is in judicial custody since 16.09.2023.

(iii) It is alleged against the petitioner that he open



fired upon the informant causing gun shot injury on his back.

(iv) Both the parties have landed property dispute and there is a case and counter case are pending between both the parties. Therefore, the petitioner should be released on bail.

4. I have carefully considered the documents annexed with the instant application. It is not in dispute that the informant received gun shot injury on the date of occurrence and the said gun shot injury was inflicted by none other than the petitioner

5. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail at this stage, in connection with Turkauliya (Banjariya) P.S. Case No. 327 of 2009 pending in the court of learned A.D.J.-21, Motihari, East Champaran.

7. Prayer for bail is thus, rejected.

8. Learned trial court is directed to expedite the trial and trying to dispose of the case as early as possible preferably within a period of one year.

(Bibek Chaudhuri, J)

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