

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47169 of 2024

Arising Out of PS. Case No.-49 Year-2007 Thana- ATRI District- Gaya

Vishwa Mohan Singh @ Tohan Singh S/o Late Bachkun Prasad Singh R/o vill
- Seotar, P.S. - Atri, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Atri P.S. Case No. 49/2007, S.T. No. 408/15,
03/2024 registered for the offence punishable under Sections
302, 34 of the Indian Penal Code.

3. Based on the *fardbeyan*, the prosecution alleges
that while the brother of the informant was coming from his
shop, all the F.I.R. named accused persons including the
petitioner made open firing leading to his death. The specific
allegation against this petitioner is of causing fire on the thigh of
the deceased whereas the firing attributed to the co-accused
persons hit on the stomach of the deceased resulting in his
death.



4. Learned Advocate for the petitioner contended that the narratives of the F.I.R. clearly suggest that the firing made by the petitioner hit only on the thigh of the deceased; thus the petitioner cannot be charged for the offence u/s 302 of the Indian Penal Code as he had no intention to kill. It is also contended that prior to the institution of the F.I.R. the petitioner had already left the village and he was not even knowing any such case instituted against him nor the petitioner had even been informed. It is also the contention of the petitioner that the trial is in the progress and out of 14 chargesheet witnesses till date only 4 witnesses have been examined and there is no likelihood of conclusion of the trial and keeping the petitioner behind the bar would serve no further purpose.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner along with one other co-accused person cause the death of the brother of the informant by firing and there is specific allegation against him.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of firing along with other accused person leading to death of the deceased, coupled with the fact he had been



evading his arrest since long, this Court is not persuaded to
enlarge the petitioner on bail.

7. The prayer of bail of the petitioner stands rejected.

8. It is expected that the learned trial court will
expedite the matter and take all the efforts to conclude the trial
at the earliest.

(Harish Kumar, J)

Ranjeet/-

U		T	
---	--	---	--

