

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83105 of 2023

Arising Out of PS. Case No.-210 Year-2014 Thana- KAKO District- Jehanabad

Chandan Kumar @ Chandan Kumar Kashyap Son Of Mr. Ram Dhyan
Sharma Resident Of Village- Mahammadpur, P.S. Kalo, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Kako P.S. Case No. 210 of 2014 instituted for the offence
under Sections 147, 148, 149, 436, 427, 302 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that the FIR
named accused persons along with this petitioner having armed
with pistol and rifle came at the door of the informant and
started indiscriminate firing. At that time, on order of co-
accused Ramdhyan Sharma, this petitioner shot fire at the chest
of Suresh Singh, father of the informant, who was sleeping at
dalan. Thereafter, father of the informant rushed to hospital



where he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to land dispute between the parties. Although there is a specific allegation of firing against the petitioner, yet the postmortem report of the deceased is not in consonance with the case of the prosecution. It is also submitted that after completion of the investigation, the petitioner had not been sent up for trial and final form was submitted against him. The petitioner has got no criminal antecedent and languishing in judicial custody since 13.9.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and there is direct & specific allegation against him of inflicting fire arms injury pointed to chest below of the father of the informant. The postmortem report of the deceased also shows one entry wound at middle of lower part of sternum and exit wound on left side of the body. Moreover, during course of investigation the informant as well as other witnesses of the case vide para 5, 6, 7 & 8 of the case-diary supported the prosecution version.



6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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