

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5561 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- MIRGANJ District- Gopalganj

Pahwari Singh @ Payhari Singh @ Pawhari Singh Son of Late Hari Shanker Singh Resident of Village- Kabilsawa (Bhojhata) PS- Mirganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesb Raj Singh, Adv.
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No. 187 of 2024 instituted for the offences under Sections 307, 326, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of attacking the husband of the Informant with gun as also firing at his leg due to which he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The petitioner and the Informant are *Pattidar* and, hence, there is land dispute between them. There is delay of 16 hours in lodging the F.I.R. which creates doubt in the prosecution case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The injury caused is simple in nature. The injury caused is not on the vital portion of the body. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Bulet Singh @ Kamalkant Singh has been granted bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 87573 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He submits that from the impugned order, it appears that the Informant has supported the prosecution case. The witnesses in Para-13 and 14 of the case diary, have supported the prosecution case. Para-23 contains the statement of the victim Jitendra Singh who has



supported the prosecution case, stating that the petitioner and one Pahwari Singh came with motorcycle and two unknown persons were on another motorcycle and co-accused Bullet Singh pushed him whereas Pahwari Singh (the petitioner) fired on him.

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct allegation of firing against the petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected at this stage with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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