

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78686 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- SHIVSAGAR District- Rohtas

Mohsin Raza @ Moshi S/O Hasan Raza Resident Of Village - Pakhnari, P.S-
Sheosagar, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Chaubey, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sessions Trial No. 417 of 2024, arising out of Shivsagar P.S.
Case No. 269 of 2023 instituted for the offence under Sections
341, 323, 307, 504 & 506 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, accusation against the
petitioner is of firing upon the son of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 29-03-2024. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that informant is not the eye witnesses to the occurrence. There is delay of 27 days in lodging of the FIR. Injury is found to be simple in nature. It is submitted that charge has been framed and three witnesses have also been examined in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. There is direct allegation of firing against the petitioner. It is submitted that three witnesses out of five charge sheet witnesses have been examined and only official witnesses i.e., Doctor and I.O. are yet to be examined, hence, he does not deserve the privilege of bail

7. Considering the aforesaid facts and circumstances of the case and taking into account the fact that trial is on the verge of its conclusion, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for bail is, accordingly, *rejected*.

8. The District Magistrate, Rohtas and the Superintendent of Police, Rohtas are also directed to take necessary steps to produce the witnesses on the date fixed in the



Trial Court so that the trial could be concluded at the earliest.

9. Let this order be communicated to the District
Magistrate, Rohtas and the Superintendent of Police, Rohtas.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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