

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27582 of 2017

Arising Out of PS.Case No. -128 Year- 2014 Thana -PARSA District- SARAN

=====

1. Algu Singh @ Vijay Singh, S/o Jaleshwar Singh, resident of Village-Jogni Parsa, P.S. Veldi, Distt.- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 22-12-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since 07.05.2015 in connection with Sessions Trial No. 591 of 2017, arising out of Parsa P.S. Case No. 128/2014 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he along with his wife, daughter-in-law were participating in the Durga Puja ceremony and his son Anand Kumar @ Anand Rai and one Rajesh Rai were eating fried corn, in the meantime, seven FIR named accused boarded in



three motorcycles fired on the son of the informant and his friend and during course of treatment both succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced on the confessional statement of one Munna Chaubey and his own confessional statement before the police, which has no evidentiary value in the eye of law. He submits that no overt act has been committed by him, case has already been committed to the court of Sessions and petitioner is languishing in jail custody since more than 2½ years.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent, is a veteran criminal and as many as four cases, two of similar nature, are pending against him.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Parsa P.S. Case No. 128/2014, pending in the court of learned Chief Judicial Magistrate, Saran at Chapra.



Application is, accordingly, rejected. However petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

| | | | |
|---|--|---|--|
| U | | T | |
|---|--|---|--|

