

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5122 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -SHEIKHOPUR SARAI District- SEKHPURA

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Biresh Prasad Son of Late Ramsharan Mahto resident of village- Rahicha,
Police Station- Shekhopur Sarai, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Mr. Ravi Bhushan Pd., Advocate

For the Opposite Party/s : Mr. Ajay Kumar no. 1(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 27-04-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is that the informant and his father (deceased) were gossiping on the verandah. In the meantime, petitioner came there and abused the informant and his father. When it was protested, the petitioner went to his house and returned with firearm and shot fire causing injury in the abdomen of the deceased. The deceased died during treatment. The reason behind the occurrence is that the petitioner is in the habit of drinking and he used to demand money from the deceased.

It is submitted on behalf of the petitioner that there is no eye witness to the occurrence except the informant who has enmity with the petitioner. The mother of the petitioner has also been examined and she has also not supported the prosecution case as an eye witness. However, after investigation chargesheet has

already been submitted. The petitioner has no criminal antecedent.

Learned counsel for the State submits that there is specific allegation of overt act against the petitioner who fired shot causing the death of the deceased. After investigation the case has been found true.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail. His prayer for bail is rejected at this stage.

(Amaresh Kumar Lal, J)

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