

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5645 of 2015

Arising Out of PS.Case No. -669 Year- 2014 Thana -PHULWARI SHARIF District- PATNA

1. Prabhat Kumar Son of Parashu Ram Roy, Resident of Village - Belkunda, P.S. - Mahua, District - Vaishali at Present residing at Birla Colony, Rastriya Ganj, P.S. - Phulwari Sharif, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 30-04-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in jail custody since 23-10-2014 (wrongly mentioned as 10-11-2014 in the impugned order) in a case registered under Section-302 of the Indian Penal Code and 27 of the Arms Act.

The contention on behalf of the petitioner is that the fire took place, accidentally, as it would appear from the statement of witnesses, including the statement of grandmother of the deceased. It is further contended by him that the deceased was a boy of three years old and as a matter of fact, the deceased boy was very much attached with the petitioner and on the alleged date

of occurrence, while the petitioner was showing the stain gun of his father, the gun got fired, accidentally as a result thereof, the deceased sustained five arm injury and died then and there.

The investigation of this case has already been completed and the petitioner does not have any criminal antecedent.

Accordingly, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Phulwari Sharif P.S. Case No. 669 of 2014 to the satisfaction of learned Jyoti Prakash, Judicial Magistrate-Ist Class, Patna.

(Hemant Kumar Srivastava, J)

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