

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21760 of 2017

Arising Out of PS.Case No. -166 Year- 2016 Thana -BHAGWAN BAZAR District- SARAN

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Rakesh Baba @ Rakesh Kumar Mishra @ Baba, Son of Ganesh Dutta Mishra, Resident of Village- Katra Bahuriya Kothi, P.S. Bhagwan Bazar, Dist- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party/s : Mr. Sri Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 22-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is accused in connection with Sessions Trial No. 74 of 2017, arising out of Bhagwan Hazar P.S. Case No. 166 of 2016, registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Additional Sessions Judge-X, Saran at Chapra.

The accusation of informant, Om Prakash Gupta, is that Pawan Kumar, cousin of the informant, informed him that Prem Kumar Gupta has been shot fire by anyone, on which, informant proceeded and reached near the orchard at Ajayebganj and saw that his brother, Prem Kumar Gupta, was lying dead, sustaining firearm injury at his chest. The motorcycle of Munna Bind was lying, which was driven by Prem Kumar Gupta. Vikash



Kumar Singh, who had gone with Prem Kumar Gupta, told that Anil Ray stopped the motorcycle of Prem Prakash Gupta. In the meantime, this petitioner shot fire through pistol at the chest of Prem Kumar Gupta, brother of the informant.

Learned counsel for the petitioner submits Vikash Kumar Singh, who is said to be an eye witness to the occurrence, has stated that this petitioner causing injury at the hand of the deceased but the injury as detailed in the F.I.R is sustained by the deceased at his chest. Further submitted that petitioner is in custody since 15.06.2016.

Learned APP appearing for the State Submits that as per the statement of Vikash Kumar Singh, this petitioner shot fire at the chest but it hits after touching hand of the deceased.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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