

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53705 of 2016

Arising Out of PS.Case No. -136 Year- 2016 Thana -KOTWALI District- PATNA

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Umesh Prasad Singh, Son of Late Bachu Singh, resident of Village-
Sankarwar Tola Mokama, Police Station- Mokama, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narayan Pd. Sinha, Sr. Adv.
Smt. Sudha Ambastha, Adv.

For the Opposite Party/s : Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 22-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Kotwali P.S. Case No. 136 of 2016 registered for offences under sections 302, 120B/34 of the Indian Penal Code beside Section 27 of the Arms Act.

Earlier the petitioner had moved before this Court in Cr. Misc. No. 45824 of 2016 with a prayer for bail but the same was dismissed as withdrawn.

From the records, it appears that the deceased and his friend had gone to the apartment of the petitioner, there the deceased as well as his friend assaulted the petitioner whereupon the petitioner took out his gun and fired on the deceased.



Learned counsel for the petitioner submit that at best it can be a case of Section 304 I.P.C. and cannot be a case of Section 302 I.P.C. as the deceased was the aggressor and, from the record, it appears that the deceased and his friend had mercilessly assaulted the present petitioner.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Umesh Prasad Singh, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 136 of 2016.

(Shivaji Pandey, J)

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