

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2290 of 2017

Arising Out of PS.Case No. -69 Year- 2016 Thana -MAJHAULIA District- WEST CHAMPARAN
(BETTIAH)

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Rajesh Kumar @ Rajesh Prasad, Son of Rameshwar Prasad, Resident of
Village- Prushottampur, Police Station- Majhauriya, District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Opposite Party/s : Mr. Binod Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-02-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Majhauriya P.S. Case No.
69 of 2016 instituted for the offence under Sections 341, 323,
324, 307, 34 of the Indian Penal Code and Sections 25(1-B)a, 26,
27 and 35 of the Arms Act.

It is alleged in the written report that the petitioner
fired from gun causing firearm injury near the left chest of Hazrat
Ali. The doctor has found lacerated wound with blackening of
margin at left forehead and amputated little finger of left hand
grievous in nature caused by firearms.

It has been submitted by the petitioner that there is
land dispute between the parties. It has been submitted that in



paragraph-49 of the case diary the Sergeant Major has mentioned in the report that the pistol produced before him was non-effective. There is specific allegation against the petitioner of making firing with gun on the son of the informant due to which he sustained grievous injury. The defence of the accused cannot be seen at the stage of bail.

The prayer for bail of the petitioner stands rejected.

However, the petitioner would be at liberty to renew his prayer for bail after six months if no substantive progress is made in the trial.

S.Ali/-

(Sanjay Priya, J)

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