

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65055 of 2018

Arising Out of PS. Case No.-73 Year-2017 Thana- MAJHAULIA District- West Champaran

SK. Buchai @ Kamaluddin, S/o Sk Yakub, Resident of Village- Kadamawa,
P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Majghaulia P.S. Case No.
73/2017, instituted under Sections 302, 120(B) and 34 of the
Indian Penal Code read with Section 27 of Arms Act.

It is alleged in the written report that on the date of
occurrence while the informant along with his brother Sk.
Anwarul were returning from market, accused Sk. Bolar and Sk.
Matlub abused the informant and told to kill them. Thereafter
the informant and his brother started running away behind the
tree but Sk. Matloob and Sk. Bolar fired upon them, which hit
his brother who fell down on the ground sustaining injury. It is
further alleged that other accused persons caught hold the
brother of informant and this petitioner shot fire on the head of



brother of informant, who died on the spot.

Learned Addl. P.P. has submitted that in the post-mortem report doctor has found head injuries on the person of deceased.

Learned counsel for the petitioner has relied on decision of this Hon'ble Court passed in case of ***Dharamnath Mishra Vs. State of Bihar*** reported in ***2018(3) PLJR 57*** and has submitted that in terms of aforesaid decision of Hon'ble Court, the informant cannot be said to be an eye-witness to the occurrence.

This Court finds that as per F.I.R. the petitioner is the main assailant in this case, who caused firearm injury to the brother of informant and he died on the spot.

In view of such, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, prayer for bail of petitioner is rejected.

The trial court is directed to expedite the trial.

(Sanjay Priya, J)

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