

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2222 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Kamal Kishore Kamal, Son of Dasrath Mahto, Resident of Village -
Salkhanni, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh
For the Opposite Party/s : MD. ANSARUL HAQUE

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC.

The prosecution case, as per the written report of Shyam Kishore Kamal dated 03.01.2017, submitted to the S.H.O., Bibhutipur Police Station is to the effect that on 03.01.2017, the informant was getting repaired the exhaust tunnel of the brick kiln where the informant's younger brother Braj Kishore Brajesh, co-villager Sanjay Kumar, his brother-in-law Natwar Lal, his younger brother's wife, Nutan Devi and his friend Krishnamurti were present there along with the informant. Around 5 PM in the evening, from south direction, the petitioner, Kamal Kishore Kamal and his wife, Kiran Kumari as



well as five unknown persons came variously armed and ordered to fire which was being protested by the brother of the informant, Braj Kishore Brajesh, in the meantime, the petitioner, Kamal Kishore Kamal fired from his pistol causing injury on the temporal region of the brother of the informant, Braj Kishore Brajesh. The other accused persons also made indiscriminate firing causing injury on the chest, head and abdomen of the brother of the informant, Braj Kishore Brajesh. Thereafter, the wife of the petitioner, Kamal Kishore Kamal said that now the work is over, then the accused persons escaped from the scene. Subsequently, the brother of the informant, Braj Kishore Brajesh was taken to hospital where he was declared dead.

It is submitted by learned counsel for the petitioner that the informant, deceased and the petitioners are full brothers. The informant is the supporter of one political group, while the petitioner is the supporter of another political group and that's why the accusation has been levelled. It appears unreasonable that in a winter evening, even a lady member including the petitioner were present on the place of occurrence.

It is further submitted that the father of the petitioner and informant in his statement has doubted the presence of the informant on the place of occurrence.



Learned counsel for the informant submits that there is specific accusation against the petitioner of causing firearm injury on the temporal region of the victim who succumbed to the injuries.

Considering the nature of accusation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Bibhutipuri P.S. Case No. 02 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate-IV, Rosera, Samastipur.

(Dinesh Kumar Singh, J)

Amrendra/-

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