

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29203 of 2018

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

Kamal Kishore Kamal, S/o Dasarath Mahato, R/o Vill.- Salkhanni, P.S.-
Bibhutipur, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 17-07-2018 Heard learned counsels for the petitioner and the State as
well as learned counsel for the informant.

The petitioner, already in custody, seeks bail in connection with Sessions Trial No. 91 of 2018 arising out of Bibhutipur P.S.Case No. 02 of 2017 registered under Sections 302 and 120B/34 of the Indian penal Code.

Allegation in brief is that petitioner along with some others named in the FIR came to brick kiln of the informant and petitioner shot at the younger brother of the informant hitting his left temporal region and others also fired indiscriminately over the deceased as a result he died.

Submission is that petitioner is full brother of the informant and there was dispute of brick kiln with one Lal Babu Singh and not with this petitioner and during investigation, deceased's wife and father did not disclose



whether they were present at the time of occurrence and in fact the informant has also not seen the occurrence as exit wound is on the left side and entry wound is on the right side of the head.

Learned counsel appearing on behalf of the informant opposed the prayer of bail and submits that there is specific accusation against the petitioner that he shot at the head of the deceased and injury is found on the head

Having considered the specific accusation against the petitioner regarding shooting at the deceased, the prayer of bail of the petitioner is presently rejected. However, trial court is directed to expedite the trial and preferably conclude the same within one year.

(Arun Kumar, J)

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