

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52419 of 2018

Arising Out of PS.Case No. -212 Year- 2017 Thana -BYPASS District- PATNA

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1. Vikas Kumar, S/o Late Jagdish Prasad, R/o Behind Teacher's Colony,
Kumhrar, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lala Sheshendra Narayan Rais

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-10-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in Bypass P.S. Case No.
212/2017, instituted for the offences under Sections 302, 307/34 of
the Indian Penal Code read with Section 27 of Arms Act.

It is alleged in the written report that mother of
informant works in N.M.C.H., Patna as Nurse. On 25.09.2017,
after receiving call of his mother, his father went to N.M.C.H. on
motorcycle to bring his mother. It is further alleged that *Arti* was
going on in the *Pandal* in front of house of informant. When the
informant was returning after taking *Prasad* along with one
Shubham Kumar and sat near pond of Kamaldah lane, he heard
sound of 2-3 firing. The informant saw two boys were running



away after causing firearm injury to his father and mother. They had fallen on the ground. In the light of motorcycle, the informant identified this petitioner. He could not identify another person. He saw both his mother and father have sustained gun shot injury. He took both mother and father to N.M.C.H. where his father died during treatment. His mother was sent to Ruban Hospital for better treatment. Cause of occurrence is due to property dispute. 5-6 months prior to the occurrence, this petitioner had given threat to kill the parents of informant.

Learned counsel for the petitioner has submitted that informant has alleged that he saw the petitioner and one unknown person running away after making fire. He has not levelled any specific allegation against this petitioner of causing firearm injury to his father and mother.

Learned counsel for informant has submitted that statement of mother of informant, who has also sustained gun shot injury, has been recorded before the police, wherein she has specifically alleged that this petitioner had opened fire along with unknown person on her and her husband and both of them had fell down after sustaining injury.

Statement of friend of informant has also been recorded, which is mentioned in para 9 of case diary, wherein he



has stated that he saw the petitioner causing firearm injury to father of informant. The informant in his further statement has stated that he saw the petitioner and one unknown person running away from the place of occurrence.

Learned counsel for the petitioner has submitted that informant is also an eye-witness. He has stated before the police that he had seen the petitioner running away after causing firearm injury to his mother and father.

Learned Additional P.P. after looking into case diary has submitted that mother of informant has also sustained injury on the place of occurrence. She has stated in her statement, in para 22 of case diary, before the police that this petitioner along with one unknown person made indiscriminate firing on her and her husband, on account of which both of them fell down. It is further submitted that friend of informant, namely, Shubam Kumar was also present with the informant. He has also stated in his statement that he had seen the petitioner along with other person causing firearm injury to the father of informant. The informant in his further statement has also taken the name of this petitioner levelling allegation that he saw this petitioner along with one unknown person running away after causing firearm injury to his father and mother, who fell down on the ground.



Mother of the informant has stated in her statement in para 22 that this petitioner along with one unknown person has made indiscriminate firing on her and her husband and her husband was declared dead in N.M.C.H. She has further stated in her statement that this petitioner and one other unknown person had caused four firearm injuries to her and three firearm injuries to her husband. Post-mortem report shows that father of informant had sustained three gun shot injuries and cause of death is opined on account of shock and haemorrhage due to firearm injuries.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant bail to petitioner at this stage. Accordingly, prayer for bail of petitioner is rejected.

(Sanjay Priya, J.)

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