

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14392 of 2018

Arising Out of PS.Case No. -495 Year- 2017 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Rajiv Kumar S/o Late Shital Singh, R/o Vill.- Hemra, P.S.- Muffasil,
Distt.- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 18-06-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The FIR would reveal that the wife of the deceased came out from her house on hearing sound of firing and saw that four persons including the petitioner were chasing to her husband and firing at him. Sustaining fire-arm injury husband of the informant fell down thereafter, co-accused Madhusudan caught him and fired causing injury at the chest which resulted in death.

Submission of the learned counsel for the



petitioner is that the doctor has found two wounds of entry, one at the chin and another at the chest, which clearly shows that they were not caused by the chaser from behind. He further submits that witness Chhotu Kumar appeared before the police as eyewitness and he claims that the petitioner is the only assailant of the deceased. Therefore, apparently, there is inconsistency in the prosecution case and at this stage it is difficult to believe the so-called eyewitness or the wife of the deceased, who also claims to be an eyewitness of the occurrence.

Learned counsel for the informant submits that co-accused, Vikash Kumar and Ajit Kumar, at least standing on similar footing to that of the petitioner, have already been refused bail by two different coordinate Benches of this Court in Cr. Misc. No. 26419 of 2018 and Cr. Misc. No.6310 of 2018.

The perusal of the orders passed by the coordinate Benches would reveal that the medial report was not placed before the Hon'ble Bench, which clearly reveals that no injury caused from the backside of the deceased was there which is allegation against the petitioner and others in the FIR. Hence, in my view, the petitioner deserves bail.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Begusarai Muffasil P.S. Case No.495 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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