

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23038 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- BUXAR District- Buxar

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KAMLESH KUMAR SINGH @ BILLAR Son of Ram Laddu Singh,
Resident of Village-Koirpurwa, P.S-Buxar (T), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 307/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that the son of the informant received gun shot injury and declared dead at the hospital.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 8.5.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence as per the F.I.R.. The son of



the informant has stated that the deceased was last seen in the company of the petitioner. At best, it is a case of last seen.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. In course of investigation, one Gopal Kunwar Yadav was also found injured in course of occurrence. As per his statement, recorded in paragraph 22 of the case diary, reveals the petitioner is said to have fired which hit the deceased in the same transaction. The said witness had also sustained injury. The petitioner and other co-accused were apprehended on the spot by the local people and arms were also recovered from their possession for which a separate case has been instituted.

Considering the nature of allegation and the petitioner being the assailant, I am not inclined to grant bail to the petitioner in connection with Buxar (Town) P.S. Case No. 236/2018. The same is rejected. The Trial Court is directed to conclude the trial at the earliest.

(Sudhir Singh, J)

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