

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34578 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- MASHRAK District- Saran

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VIJAY KUMAR @ MUNNA S/o Shambhu Prasad @ Shambhu Nath Singh
Permanent Resident of Village- Bahrauli Kunwar Tola, P.S.- Mashrakh,
District- Saran, Bihar, Present address Gujaini, Kanpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avanish Kumar Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-08-2019 Heard learned counsel for the petitioner, counsel
for the informant and the State.

The petitioner seeks bail in **Mashrakh P.S. Case No. 95 of 2018**, instituted for the offence under Section(s) 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the court of learned Additional Chief Judicial Magistrate, 6th, Saran at Chapra.

It is alleged in the written report that on the date of occurrence the younger brother of the informant who was Principal of Upgraded Middle School, Janauli, was going on his Motorcycle towards his school. At around 6:00 a.m. the informant along with his son Bablu Kumar followed him on another Motorcycle. Mithilesh Kumar Madhukar also followed



him on another Motorcycle. When younger brother of the informant reached near *Dumduma Pul* situated at Khajuri Brahmasthan, he was surrounded by the petitioner and other accused persons as named in the written report. They all started abusing him. It is further alleged that on the order of co-accused Ajay Kumar, this petitioner shot on the back and head of brother of the informant. Co-accused Shambhu Prasad shot on his shoulder, on account of which, brother of the informant namely, Vishwanath Prasad, fell down and subsequently died in the hospital.

Counsel for the petitioner submits that co-accused Vishwanath Prasad has already been granted bail by co-ordinate Bench of this Court vide order dated 8.1.2016 passed in Cr. Misc. 1189 of 2016. He further submits that there is matrimonial dispute between the parties. The petitioner has been named by the family members of the informant.

Counsel for the informant and A.P.P. submit that witnesses in paragraphs 19, 20 and 21 of the case diary have levelled specific allegation against the petitioner of causing gun shot injury to the brother of the informant.

The post mortem report is available in the case diary wherein the Doctor has found firearm injury on the head



of the deceased which corroborates the allegation.

Therefore, seeing the specific allegation against the petitioner of causing firearm injury to the brother of the informant, on account of which he died on the spot, this Court is not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner stands rejected.

The trial court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of this order. In the event the trial is not concluded within aforesaid period, petitioner will be at liberty to renew his prayer for bail after nine months.

(Sanjay Priya, J)

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