

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 32698 of 2019**

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAOLI District- Nawada

BIRU PANDIT, aged about 35 years, Gender – Male, S/o Late Lochan Pandit
R/o village- Hardiya Sector- ‘D’, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with Mr Bhaskar Shankar, Advocate
For the Informant	:	Mr Ramakant Sharma, Sr Advocate with Mr Rajesh Kumar, Advocate
For the State	:	Ms Nirmala Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 17-08-2019 Heard learned Senior Counsel for the petitioner,
learned APP for the State as well as learned Senior Counsel for
the informant.

Petitioner is accused in a case registered under
Sections 302/34 of Indian Penal Code and Section 27 of Arms
Act.

Allegation against the petitioner is of causing firearm
injury on the head of the victim, after the initial blow by other
co-accused. Learned Senior Counsel for the petitioner submits
that the allegations are not corroborated by the post mortem
report wherein only one gunshot injury has been found though
allegation in the first information report is that the petitioner had



fired twice. The petitioner is said to be present in a Court at the time of occurrence and, as such, the prosecution story is false and fabricated.

Learned counsel for the informant submits that the post mortem report corroborates firearm injury on the head. He further submits that in investigation, it has come that Presiding Officer, where petitioner had submitted his appearance in the morning on the fateful day, i e, on 02.02.2019, was on leave and, as such, there was no proceeding in the Court on that day. Petitioner is accused in another case also, i e, Rajauli Police Station Case No 94 of 2005. He is in custody in this case since 27.02.2019.

This Court, in the facts and circumstances and having regard to the submissions, is not inclined to allow the petitioner's prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

