

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35272 of 2019**

Arising Out of PS. Case No.-125 Year-2017 Thana- GOPALPUR District- Bhagalpur

SHAMBHU KUMAR @ SHAMBHU KNWAR @ SHAMBHYU KUMAR  
@ Shambhu Kunwar Son of Ramesh Kunwar @ Ramesh Kumar Resident of  
Village - Saidpur, P.S.- Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Sunil Kumar Singh, Advocate  |
| For the informant        | : | Mr. Narendra Kr. Singh, Advocate |
| For the Opposite Party/s | : | Mr. Ahmad Ali, A.P.P.            |

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4      09-08-2019                      Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner seeks bail in **Gopalpur P.S. Case No. 125 of 2017 (Sessions Trial No. 896 of 2017)**, instituted for the offence under Section(s) 302, 120(B)/34 of Indian Penal Code and Section 27 of the Arms Act pending in the court of learned 2<sup>nd</sup> Additional District & Sessions Judge, Naugachia, Distt. Bhagalpur.

It is alleged in the written report that on the date of occurrence, elder brother of the informant, namely, Vinay Kumar (since deceased) was going to Naugachia on Motorcycle for urgent work. Petitioner along with other accused persons was riding on separate Motorcycle. They were following the brother of the informant. The brother of the informant was intercepted by the petitioner along with other accused persons at Petrol Pump of Bablu Choudhary. It is further alleged that co-accused Jitendra Kumar @



Guddu fired two shots from pistol on brother of the informant. Thereafter, all the accused persons including petitioner fired indiscriminately and fled away. The brother of the informant was taken to Mayaganj Government Hospital with the help of Police personnel. The deceased while being taken to Hospital was conscious and disclosed in presence of Police personnel and villagers the name of four accused persons including petitioner as assailants. The Doctor declared the victim as brought dead.

Counsel for the petitioner submits that co-accused Santosh Sharma has already been granted bail by coordinate Bench of this Court vide order dated 15.4.2019 passed in Cr. Misc. 79542 of 2018.

Counsel for the informant has appeared and submits that prayer for bail of co-accused Bimlendu Kumar @ Bimlendu Kunwar has already been rejected by coordinate Bench of this Court vide order dated 19.12.2018 passed in Cr. Misc. 68714 of 2018. He further submits that Sub Inspector of Police has also supported the statement of the informant that deceased had disclosed the name of petitioner regarding making firing upon the deceased while he was taken to Hospital. The Doctor has found total four gun shot injuries on the person of the deceased.

Learned A.P.P. has appeared and submitted that Police has recorded further statement of informant in paragraph-2 of the case diary wherein it is mentioned that the deceased while being



taken to Hospital for First-Aid disclosed the name of petitioner and three other accused of causing firearm injuries to him. It is mentioned in paragraph-127 of the case diary that deceased had stated before Sub Inspector of Police while taken to hospital that petitioner with other named accused have caused him firearm injuries. The Sub Inspector has informed the Officer-in-Charge that victim is giving statement but since he had no any provision for recording the voice in his Mobile Phone, he was not able to record the statement of victim who was subsequently declared dead when brought to hospital.

The informant has also stated in his further statement that victim disclosed the name of petitioner while being taken to hospital. The Doctor has found four firearm injuries on the person of deceased in post mortem which supports the allegation against the petitioner.

Therefore, 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.

**(Sanjay Priya, J)**

S.Ali/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

