

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53618 of 2019

Arising Out of PS. Case No.-36 Year-2015 Thana- DULHIN BAZAR District- Patna

Nand Lal Kumar @ Ganesh Kumar, S/o Sri Baban Prasad @ Baban Paswan
Resident of Village- Piplama, P.S.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks regular bail in connection with
Dulhim Bazar P.S. Case No.36 of 2015, G.R. No.1500 of 2015,
for the offence punishable under Section 302 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he fired
upon the son of the informant near his chest, leading to his
death.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case with oblique
motive. Learned counsel further submits that informant is not
eye witness of the case and other witnesses have stated that
three persons were fleeing away from the place of occurrence



along with pistol in their hands. Learned counsel further submits that only one injury near the chest of the deceased have been found.

On the other hand, learned counsel appearing for the State vehemently opposes the prayer for bail and submits that there is direct allegation of firing upon the son of the informant against the petitioner and the petitioner is the main assailant, as such he does not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner is the main assailant as per the First Information Report and the petitioner has also got criminal antecedent, I am not inclined to grant bail to the petitioner and the same is hereby rejected.

However, if the trial is not completed within the period of one year, the petitioner may renew his prayer for regular bail in accordance with law.

(Anil Kumar Sinha, J)

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