

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67400 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- MORKAHI District- Khagaria

RAHUL KUMAR s/o Okil Ray Resident of Village- Bariyahi, P.S.- Morkahi,
District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Rajendra Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with

Morkahi P.S. Case No.35 of 2019 registered under Sections

302/34 of the Indian Penal Code besides Section 27 of the Arms

Act, pending in the court of the Sub Divisional Judicial

Magistrate, Khagaria.

The accusation is that the informant Bhushan

Kumar along with his nephew (Bhagina) Ideal Kumar

proceeded from his house and went at the grocery shop of his

villager Murari. In the way, at the door of Balmiki, D.J. was

being played, then Ideal Kumar, the nephew (Bhagina) of the



informant, started to see the D.J. At that time, Rahul Kumar (petitioner), Govind Kumar and Gopal Kumar having pistol in their hand started firing. The firing of this petitioner hit at the stomach of Ideal Kumar, the nephew (Bhagina) of the Informant, who fell down on the ground and died on the spot.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the firing was made by this petitioner and two others but, unfortunately, the firing of this petitioner hit at the stomach of Ideal Kumar, the nephew (Bhagina) of the informant, who fell down on the ground and died on the spot. There was no intention of the petitioner to kill the deceased Ideal Kumar. The petitioner has no criminal antecedent and is in custody since 28.05.2019.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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