

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11704 of 2020**

Arising Out of PS. Case No.-333 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

PRASHANT KUMAR @ PRASANT KUMAR Son of Juna Singh @
Satendra Singh @ Rajendra Prasad Singh @ Tuna Singh Resident of Village -
Ziro Mile, P.S.- Udawant Nagar, Distt - Bhojpur.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 15-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Udwant Nagar P.S. Case No. 333 of
2019 registered for the offences punishable under Section 302,
120B of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that the
present FIR has been lodged on the information furnished to the
informant by one Bittu Kumar. According to the First
Information Report, the co-accused Sonu Kumar and this
petitioner had fired from their pistol upon the brother of the
informant who ultimately died.

Learned counsel for the petitioner submits that
although the post mortem report discloses four firearm injuries



on the body of the deceased but the co-accused Sonu Kumar has made a confessional statement in which he has made inculpatory statements saying that he had fired 4-5 round of shots, therefore, learned counsel submits that the four injuries appearing on the body of the deceased may be attributed to the co-accused and not to this petitioner.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in the case diary, the witnesses such as Bittu Kumar and Vishal Kumar have come forward to support the prosecution story that both Sonu and this petitioner had fired upon the deceased and the post mortem report shows four injuries corroborate the prosecution version that the deceased was shot dead by said Sonu Kumar and this petitioner had also fired upon the deceased, the cumulative injury proved fatal to the deceased.

Considering the facts and circumstances of the case wherein, the eye-witnesses Bittu Kumar and one Vishal Kumar have come forward to support the prosecution case and there are specific allegations that this petitioner had fired at the deceased along with the co-accused and there are four firearm injuries on the body of the deceased corroborating the allegations made in



the First Information Report, I am not inclined to grant regular
bail to the petitioner.

This application is dismissed.

Let the trial be expedited. Prosecution must cooperate
in course of trial.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

