

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22374 of 2020

Arising Out of PS. Case No.-193 Year-2019 Thana- BIHRA District- Saharsa

KUMOD ROY S/o Feku Roy R/o Village- Patori Ward No. 2, P.S.- Bihra,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma
For the Opposite Party/s	:	Mr.Ram Naresh Roy, APP.
For the Informant	:	Mr. Manish Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-11-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

The petitioner seeks bail in Bihra P.S. Case No. 307, 302,
120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that the accused persons,
variously armed, indiscriminately fired at the son of the informant
due to which he sustained injuries and later succumbed to the
injuries.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 4.2.2020 and has got no criminal



antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. Due to earlier enmity, the petitioner has been named in the F.I.R. After conduct of post-mortem, F.I.R. has been instituted. The implication of the petitioner is afterthought.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. There is allegation of indiscriminate firing made by the accused persons including the petitioner. The post-mortem report shows that there are multiple fire arms injuries on the body of the deceased. Seven empty cartridges have been recovered from the place of occurrence. Witnesses in paragraph nos. 8, 9, 10 and 11 of the case diary have supported the allegations made in the F.I.R. It is further submitted on behalf of the informant that bail of similarly situated accused persons have been rejected by order dated 12.10.2020 passed in Cr. Misc. No. 18503 of 2019 passed by this Court.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to expedite the case.

(Sudhir Singh, J)

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