

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23161 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- GWALPARA District- Madhepura

Alok Kumar Son of Anil Yadav Resident of village and P.S. - Gwalpara,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioner, learned
A.P.P. for the State as well as counsel for the informant.

Petitioner seeks bail in Gwalpara P.S. Case No. 226 of
2019, registered from the offence under Sections 302, 120(B),
379, 34 of the I.P.C. and Section 27 of the Arms Act.

As per the prosecution case, while the informant with
his nephew was returning home on different motorcycles and
reached near house of Rajo Paswan, it is alleged that 6-7
miscreants on the point of pistol stopped them and co-accused
Sintu Kumar fired at chest of his nephew, by which, he fell
down. Thereafter, it is alleged that this petitioner fired at right
eye of his nephew and co-accused Pranav Kumar also fired at
back of informant's nephew, as a result of which, informant's
nephew died at the spot itself. It is further alleged that
miscreants threatened the informant and also took away
motorcycle of his nephew.



It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. *Post-mortem* report does not support the prosecution case, as only two fire-arm injury has been found on the person of deceased. Petitioner is in custody since 22-12-2019, having no criminal antecedent.

However, learned counsel for the informant has vehemently opposed the bail application and submitted that there is specific allegation of firing against this petitioner, as a result of which, the deceased died. *Post-mortem* report also supports the prosecution case and during course of investigation, three witness have fully supported the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The bail application of petitioner stands rejected.

(Prabhat Kumar Singh, J.)

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