

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24636 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Man Mohan Singh S/o Ram Bali Singh @ Balinder Singh Resident of
Village- Jaitiya, P.S.- Charki, District- Gaya ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Senior Advocate and
Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Jawahar Chaubey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor representing the State through video conferencing.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code as well as section 27 of the Arms Act.

As per the prosecution case on 23.4.2020 at 4.30 PM son of the informant was playing cricket. In the meantime, all the six FIR named persons came and started searching his son, upon which this informant interfered. It is alleged that co-accused Mukesh Kumar fired upon him (informant). Luckily, it did not hit him. Thereafter, co-accused Guddu Kumar Motor @ Guddu Singh fired from his Katta which hit his son below the neck and above the chest. As a result of the fire arms injury, informant's son died in course of treatment in the Pilgrim Hospital, Gaya. Informant further alleged that other co-accused also made indiscriminate firing and fled away.

It is submitted on behalf of the petitioner that though the informant claims to be eye witness of the occurrence, he did



not name the petitioner in the FIR but later on in his re-statement before the police, named this petitioner also because of being father of co-accused Mukesh Kumar and Jitesh Kumar. There is specific allegation of giving fatal gun shot injury to the victim against co-accused Guddu Kumar. He submits that even the post mortem report reveals that the victim sustained only one fire arms injury. It is also the case of the petitioner that the present case is the outcome of a dispute between two cricket playing rivals in which co-accused Prabodh Kumar has also lodged Magadh Medical Police Station Case No. 79/2020 (Annexure 2). Petitioner has got no criminal antecedent.

In the facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Gaya in Magadh Medical Police Station Case No. 77 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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