

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56937 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- KISHUNPUR District- Supaul

Chandan Kumar, Son of Satya Narayan Mukhiya @ Satto Mukhiya Resident
of Village - Saraigadh, P.S.- Kishanpur, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-05-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The present application has been filed for grant of
bail in a case registered for the offences punishable under
Sections 147, 148, 149, 341, 302 and 120B of the IPC and
Section 27 of the Arms Act.

The prosecution case as per the written report of
Jagdish Yadav submitted to the S.H.O., Kisanpur Police Station
is to the effect that on 03.05.2019 at 7.30 P.M., the son of the
informant was standing outside his shop when 13-14 persons on
five motorcycles came on the shop of the informant when it is
alleged that the petitioner Chandan Kumar and co-accused Lal



Kumar and Dinesh Paswan, who were front runner, made indiscriminate firing causing injury to the son of the informant. Subsequently, the son of the informant succumbed to the injuries. The motive of the occurrence is alleged to be some dispute with regard to money transaction between the elder son of the informant, namely Santosh Kumar and Bhumi Yadav.

It is submitted by learned counsel for the petitioner that even as per the FIR, the petitioner was driving the motorcycle, hence it cannot be presumed that he resorted to fire. Except the informant, there is no eye-witness to the alleged occurrence and the independent witnesses have only suggested that the petitioner was seen fleeing away from the place of occurrence. It is further submitted that the petitioner is languishing in custody since 31.05.2019, the investigation has already been concluded and there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petitioner that the petitioner is also made accused in two other cases.

Learned counsel for the State submits that though except the informant, there is no eye-witness to the alleged occurrence, but the independent witnesses have seen the petitioner fleeing away from the place of occurrence.



Considering the fact that as per the FIR, the petitioner was one of the front runner who made indiscriminate firing and the postmortem report reflects six firearm injuries to the victim, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Kisanpur P.S. Case No. 87 of 2019, pending in the Court of learned C.J.M., Supaul.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

Amrendra/-

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