

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77987 of 2019**

Arising Out of PS. Case No.-299 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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ASHOK SONI @ ASHOK KUMAR SONI Son of Vishwanath @ Vishwanath
Soni Resident of Bela, P.S.- Gangaur, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K.Lal
		Mr.Pritish Kumar Lal, Advocates
For the Opposite Party/s :		Mr.Shyam Bihari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 05-06-2020 Heard learned counsel for the parties.

2.This application for regular bail arises out of Muffasil P.S. Case No. 299 of 2019, disclosing offences punishable under Sections 324,307,302/34 of the Indian Penal Code and Section 27 of the Arms Act.

There is direct allegation against the petitioner of having opened eight rounds of fire. The informant, who is the daughter of the deceased has claimed to be an eye-witness. According to her, the occurrence had taken place when the family members were celebrating marriage of the informant's cousin.

Learned counsel appearing on behalf of the petitioner



has submitted that though there is allegation of opening eight rounds of fire against all the persons named in the First Information Report, postmortem shows only one fire arm injury. He has further submitted that the case of prosecution is highly improbable inasmuch as the informant, in the circumstances mentioned in the FIR could not have seen as the persons committing the offence.

He has referred to the copy of the case diary which the petitioner is said to have obtained illegally from undisclosed source to contend that no independent witness has supported the case of the prosecution.

I have perused the case diary. The case of the prosecution, in Court's opinion, is corroborated by the subsequent materials collected in course of investigation. One Azad Paswan is also said to have supported the case of the prosecution, who was also made accused.

Mr. Lal, learned counsel appearing on behalf of the petitioner has submitted that the said Azad Paswan has been allowed regular bail by this Court.

Be that as it may, considering the nature of accusation against all the persons as disclosed in the FIR and the fact that the petitioner has illegally obtained a copy of the case diary, I



am not inclined to grant him the privilege of regular bail.

This application is rejected.

(Chakradhari Sharan Singh, J)

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