

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13070 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KATIHAR NAGAR District- Katihar

MD. TINKA @ EHSAN Son of Md. Suleman Resident of Mohalla- Rampara,
P.S.- Katihar Town, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir, Adv

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Katihar Town P.S. Case No. 317 of 2020 registered under Sections 326, 307 and 34 of the Indian Penal Code Section 27 of the



Arms Act.

The petitioner has allegedly fired upon the informant's chest.

Learned petitioner's counsel submits that in investigation there is only one person who has claimed to have witnessed the occurrence. He has stated about altercation between the petitioner and the informant and that the informant has sustained gun-shot injury. He has not stated about the petitioner's firing upon him. The petitioner is in custody since 16.6.2020 and the informant is also a man of criminal antecedents. The petitioner also has criminal antecedents.

Learned APP has opposed the prayer for bail. It is submitted that the informant is the injured and he has specifically named the petitioner as being the person who fired upon his chest. The fact that other persons who have witness the occurrence and have not specifically named the petitioner in the course of investigation his of no relevance.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by learned APP. This Court, for the present, is not inclined to



allow petitioner’s prayer for bail. The same is rejected.

The application for bail is thus dismissed.

(Madhuresh Prasad, J)

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