

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14011 of 2021

Arising Out of PS. Case No.-200 Year-2019 Thana- ARA NAGAR District- Bhojpur

VICKY KUMAR Son of Ananda Vihar Resident of Village- Ibrahim Nagar,
P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-07-2021

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Ara town P.S. Case no.
200 of 2019 registered under section 304 of the Indian Penal
Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the
informant that his 14 years old son Suraj Kumar had gone to
attend the *tilak* ceremony wherein the celebrations were going
on along with the music of Disc Jockey (D.J). His son was also
dancing. At this time, as a result of celebratory firing, a gun-shot
hit the chest of the informant's son and on being taken to the
hospital, he was declared dead.



It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. From perusal of the FIR itself it would transpire that there was no eye-witness to the alleged occurrence. The occurrence had taken place in the celebratory firing in a *tilak* ceremony where large number of persons had gathered. Referring to the order of the learned Court below which has dealt with the materials which has transpired in course of investigation, learned counsel for petitioner submits that paragraph no.5 of the case diary contains the statement of one of the witness seeing the petitioner doing celebratory firing. Accepting the statement, for the sake of argument, still it cannot be said that it was the celebratory firing done by the petitioner which led to the accidental death of the informant's son. The petitioner is in custody since 30.5.2020 and investigation in the case has concluded. He undertakes to cooperate in the trial.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the order of the learned Court below together with the petitioner having remained in custody for over



1 year, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Ara town P.S. Case no. 200 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara.

(ParthaSarthy, J)

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