

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18469 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHISHI District- Saharsa

GUDDU KUMAR SON OF HIRA PRASAD RAY RESIDENT OF
VILLAGE - MAJHWA WARD NO 2 POST OFFICE - PAHARPUR PS-
BAKHTIYARPUR DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 22-10-2021 Heard learned counsels appearing for the parties through
virtual court proceedings.

The petitioner seeks bail in connection with Mahishi P.S.
Case No.130 of 2020 registered for the offence punishable
under Sections 147, 148, 149, 302 of the IPC & section 27 of
the Arms Act subsequently section 25(1-B)a, 26 and 35 of the
Arms Acct was added on 25.08.2020.

The prosecution case in short is that while the informant
and his younger brother were coming on motorcycle, eight
named accused persons including the petitioner and five
unknown persons killed his brother by bullet shot. The
informant somehow saved his life by fleeing away but his
brother succumbed to the injury. It is alleged that the motive



of occurrence was a dispute that has happened one year back between his brother and one of the co-accused Suraj Yadav.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No occurrence has taken place in the manner as alleged by the informant. There is general and omnibus allegation against the petitioner. As per the FIR, allegation was leveled against eight named accused persons and five unknown while the informant has projected himself as an eyewitness and projected to be present along with his deceased brother whereas he has alleged in his fardbeyan that eight named and five unknown persons fired bullet in the body of his brother resulting in his death but brother of the informant sustained only two bullet injury in his body which falsify the entire statement made by the informant. It is further submitted that the post mortem report shows that there was only one fire arm injury. In para-18 of the case diary, the informant has not taken the name of the petitioner as the person who has fired upon his brother but has stated that co-accused Suraj Yadav and Subin Yadav fired upon his brother. Petitioner has one criminal antecedent and has been languishing in custody since 16.08.2020, as such, he may be



enlarged on bail.

Learned APP appearing for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no specific allegation upon the petitioner and there is only one fire arm injury on the body of the deceased, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM at Saharsa, in connection with Mahishi P.S. Case No.130 of 2020.

The bail application is accordingly disposed of.

(Anjani Kumar Sharan, J)

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