

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21055 of 2021**

Arising Out of PS. Case No.-317 Year-2020 Thana- GOPALPUR District- Bhagalpur

AKHILESH MODI, SON OF LATE HARI MODI, R/O VILLAGE-
GODHIYARI, P.S.- GOPALPUR, DISTRICT- BHAGALPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gopalpur P.S. Case No. 317 of 2020 registered for the offences punishable under Sections 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

As per the prosecution story, the informant has alleged that on 29.08.2020 he went to his sister's house at Abhiya Bhiru Tola and when he was going to take bath on hand-pump, this petitioner at the behest of accused Rinku Devi had fired upon him and the bullet hit in his left rib due to which he fell down and

sustained injuries. On hearing noise the nearby persons assembled there and the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and been falsely implicated in this case. It is further submitted that the petitioner has no concern with the co-accused Rinku Devi and nobody has seen this petitioner firing upon the informant. It is submitted that no incriminating article has been seized from his conscious possession and he is in custody since 01.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the First Information Report itself has been lodged by the informant who was injured and had made statement while being admitted in the Medical College and Hospital at Bhagalpur and later on he succumbed to the fire-arm injury allegedly caused by this petitioner, this Court is not inclined to release the petitioner on bail. His prayer for bail is thus refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.