

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26106 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- SHASTRINAGAR District- Patna

KUSH KUMAR Son of Ramakant Singh Resident of Village - bagh Majhauwa, P.S. - Koelwar, District - Bhojpur, Bihar at present Khedalpura, behind son Hotel, P.S. Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar
For the Opposite Party/s : Mr.Ajit Kumar Singh
Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2021 This matter is taken up for consideration through Video Conferencing.

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

The petitioner seeks bail in Shastrinagar P.S. Case No. 157 of 2020, registered for the offence punishable under Sections 307, 302, 120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, during Holi Milan Samaroh, this petitioner is alleged to have fired upon the chest of deceased who died on the way to hospital.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to political



enmity. Petitioner is an active member of a political party and only with a view to pressurize this petitioner this false case has been lodged. In fact, a Toyota vehicle was damaged prior to the alleged occurrence which resulted into present occurrence. Petitioner is in custody since 25.08.2020 having no criminal antecedent.

Counsel for the informant, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of causing firearm injury to the deceased resulting into his death.

Considering the rival submissions and materials available on the record and the fact that there is specific and direct allegation against this petitioner of firing, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, trial court is directed to expedite the trial.

(Prabhat Kumar Singh, J)

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