

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30419 of 2021

Arising Out of PS. Case No.-223 Year-2019 Thana- DAUDPUR District- Saran

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Amit Kumar @ Amit Kumar Yadav @ Amit Ray Son Of Jitendra Ray
Resident Of Village - Auli Gacchi, P.S.- Rivilganj, District - Saran. Also
Resident Of Tekniwas P.S. Kopa, District - Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rachana Saraswati, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 302/34 of the IPC and 27 of the Arms
Act.

The prosecution story, in brief, is that co-accused
Golu Rai, Amit Yadav (petitioner), Shambhu Singh and Anil
Singh @ Jhabar took away the brother of the informant, namely,
Prakash Gupta (deceased) on Motorcycle. On seeing this, the
informant and his father also followed the aforesaid co-accused
persons on Motorcycle. They took the deceased behind the
Brahma Asthan N.H. 85 where co-accused Prakash Yadav was
standing from before. Co-accused Golu Rai caught hold both the



hands of the deceased. Co-accused Shambhu Singh, Anil Singh @ Jhabar and Prakash Yadav caught hold the deceased from four corner. On the order of Shambhu Singh and Anil Singh @ Jhabar, Amit Yadav fired from his pistol upon the deceased. Thereafter, all accused persons fled away towards Ekma. Prakash Gupta (deceased) was taken away for treatment but on the way, he succumbed to injuries.

Learned counsel for the petitioner submits that the informant is not the eye witness of the occurrence. Charge sheet has already been submitted. Petitioner is in custody since 27.11.2020. Petitioner claims clean antecedent.

Learned counsel appearing for the State opposes the prayer for bail. He submits that as per the FIR petitioner is the main assailant of the deceased.

Considering the nature of accusation and since petitioner caused death of informant's brother by fire arms, prayer for bail of the petitioner is refused.

As the petitioner is in custody since 27.11.2020, let the trial be expedited and concluded as early as possible.

(Prabhat Kumar Singh, J)

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