IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27342 of 2020

Arising Out of PS. Case No.-280 Year-2019 Thana- BARAUNI District- Begusarai

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1. PRAVEEN @ KARI KUNWAR S/o Late Balmiki Kunwar R/o Vill- Bihat-Maksash Pur Tola, P.S.- Barauni (F.C.I.O.P), Dist- Begusarai.
2. Brajesh Kunwar @ Brajesh Kumar S/o- Late Rambalak Kunwar R/o Vill- Bihat- Maksash Pur Tola, P.S.- Barauni (F.C.I.O.P), Dist- Begusarai.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr Arun Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

11 **19-02-2021** Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in Barauni (Food Corporation of India) Police Station (for brevity *PS*) Case No 280 of 2019 instituted for the offence punishable under Sections 147, 148, 149, 307, 302/120B of Indian Penal Code and Section 27 of Arms Act.

The cattle of the informant was untied at about 12 O'clock in the night. On hearing some commotion, the informant awoke and came out along with her son and daughter-in-law. It is alleged that she saw the instant accused persons along with 10 other co-accused persons with firearms. Against

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the petitioners and other co-accused persons, there is allegation of indiscriminate firing leading to killing of the informant's son. Informant has also sustained injuries. During course of investigation, as per submission of petitioners' counsel, two fired cartridges and 10 damaged cartridges have been seized. However, no blood-stains have been collected. This indicates the place of occurrence being elsewhere. The deceased was a man of criminal antecedents who has been made prime accused having litigating terms with the petitioners since long. In the investigation, two persons claiming to be nephews of deceased, who were not even mentioned at the time of lodging of First Information Report, have come forward to support the prosecution case. The allegation of indiscriminate firing is against 10 named accused. However, the deceased has suffered only seven gunshot injuries. The petitioners are now in custody since 26.10.2019.

Learned APP has opposed the prayer for bail. It is submitted that the petitioners have participated in the killing. As per informant's case, they were present and firing upon the deceased who has succumbed to the firearm injuries. Co-accused Chunchun Singh had also moved for grant of bail which has been rejected by this Court in Cr Misc No 24477 of 2020 by

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order dated 20.10.2020.

Considering the submission of parties and the fact that the deceased has suffered seven firearm injuries and there is specific allegation of firing against the petitioners along with others, this Court, for the present, is not inclined to grant bail to the petitioners. Prayer is rejected.

(Madhuresh Prasad, J)

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