

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38588 of 2021**

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

SANTOSH @ OM PRAKASH KUMAR S/O SRI HAWALDAR RAI R/o
village- Durjan Chak, P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 23-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail registered for the offences punishable under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, this petitioner and one Krishna Rai fired upon Siya Ram Rai as a result of which he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Referring to para 8 of the case diary, he submits that witness Santosh Kumar has taken the name of Om Prakash s/o Surendra Rai and not the petitioner whose father's name is Hawaldar Rai. In para 33 thereof, injured Dharveer has also taken the name of Om Prakash s/o Surendra Rai. He has taken



the name of other accused persons but not taken the name of the petitioner. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 2.3.2021.

Learned counsel for the State opposes the prayer for bail and submits that in the FIR it has specifically been stated that the petitioner is son of Hawaldar Rai and he along with co-accused Krishna Rai fired upon Siya Ram Rai as a result of which he died.

As per FIR, petitioner is one of the assailants, as such his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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