

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28762 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- ARA NAGAR District- Bhojpur

ARVIND KUMAR Son of Ramashankar Saw R/o Village- Ahirpurwa, P.S.-
Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-01-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ara Nagar P.S. Case No. 31 of 2020 for the offence punishable
under Sections 341, 323, 307, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation is regarding the petitioner having
fired gun shot on the neck of the deceased namely Bunti Kumar,
resulting in his death.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case and is having a clean antecedent. The learned
counsel for the petitioner has referred to Annexure-2 i.e. the FIR
filed by the petitioner pertaining to the same incident in question



and has submitted that when he along with other persons including the deceased was playing cricket, some quarrel had taken place during the course thereof, whereafter the alleged occurrence had occurred, however, there was no intention on the part of the petitioner to kill the deceased. It is also submitted that the petitioner has also been injured in the said scuffle.

Per contra, the learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail and have submitted that there is direct allegation against the petitioner of firing gun shot on the deceased resulting in his death, which fact also stands corroborated from the postmortem report available in the case diary.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also considering the materials available on record as also in the case diary, I find that prima facie a case is definitely made out against the petitioner, as alleged, and moreover, he is alleged to have killed the deceased, hence, I do not find any merit in the present case, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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