

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35724 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- ARA NAGAR District- Bhojpur

Rajesh Kumar S/o Late Shambhu Prasad resident of Mohalla- Shital Tola Shiv
Mandir gali (Ara), P.s.- Ara Nagar, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr. R.B. Roy 'Raman', APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 20-02-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Ara Town P.S. Case No. 93 of 2020 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act..

The informant is the wife of the deceased, who is an eyewitness to the occurrence. She has alleged in the First Information Report that whereas co-accused Guddu Kumar shot at her husband with pistol, which hit him in his chest, the petitioner also shot at him, but the shot fired by the petitioner did not hit the deceased.

Learned counsel appearing on behalf of the petitioner has submitted that there is no allegation of assault against the petitioner and co-accused Guddu Kumar is the main assailant. He has further submitted that since no injury was



allegedly caused by the shot fired by the petitioner, he may be granted privilege of regular bail. The petitioner is in custody since 23.02.2020.

I have carefully perused the case diary and considered the submissions advanced by learned counsel for the petitioner and learned Additional Public Prosecutor representing the State. There is direct allegation against the petitioner of having opened fire with a clear intention to kill the deceased. He actively participated in commission of crime with co-accused Guddu Kumar. The postmortem report supports the narration of the prosecution case in the First Information Report inasmuch as the deceased received one gun shot injury in his chest.

Considering the nature of accusation against the petitioner, I am not inclined to allow him privilege of regular bail for the present.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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