

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40974 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- ISMAILPUR District- Bhagalpur

Khokha Kapri Son of Kallar Kapri Resident of Village - Choti Parwatta,
Police Station - Ismailpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 21-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Ismailpur P.S. Case No. 30 of 2020 registered under sections 302, 307, 147, 148 and 149 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that there was some minor dispute between his son and Mahant Kapri in which his son had been beaten up. However, the matter was settled at the intervention of the legislator. It is further stated that on the night of occurrence, the accused persons and the members of his larger family had consumed alcohol and were firing indiscriminately from the terrace of their house. As a result of enmity, Khokha Kapri and



Mahant Kapri fired hitting the son of the informant in his temple. Thereafter, the other six named accused persons also started to fire to terrorize the neighborhood. The son of the informant died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner and the informant are agnates and the petitioner has been falsely implicated in the case due to oblique reasons. Accepting the allegations, for the sake of argument, it is submitted that in the circumstances it would not be possible to specifically point out as to whose firing resulted in the injury and death of the informant's son. Further referring to the post mortem report it is submitted that one of the two injuries found on the body of the deceased is stated to have been caused by hard and blunt object, which is not explained by the prosecution. The petitioner is in custody since 7.5.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for over one year, this Court is inclined to enlarge the petitioner on bail. The



petitioner is directed to be enlarged on bail in connection with Ismailpur P.S. Case No. 30 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachhia, District Bhagalpur.

(Partha Sarthy, J)

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