

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15458 of 2021

Arising Out of PS. Case No.-188 Year-2019 Thana- BANIAPUR District- Saran

HARE KRISHNA SRIVASTAVA @ PAMPAM SON OF MAHESHWAR
PRASAD SRIVASTAVA Resident of Village - Harpur, P.S.- Baniyapur, Distt.-
Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Baniyapur P.S. Case No.
188 of 2019, registered for the offence punishable under
Sections 307, 323, 302 and other allied sections of the Indian
Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 19.06.2019 at 3.00
pm, while informant and Rajendra Mishra sitting near the
compound of informant's house, all the accused persons
including this petitioner and two unknown came on motorcycle
and began to abuse them and on the order of co-accused Mala
Devi, co-accused Deepak Kumar Manjhi fired upon the



informant however, none was hurt. In the meantime, informant's elder brother Jai Prakash Mishra came to save him, then co-accused Sudhir Kumar Lal and Sonu Kumar caught him and this petitioner took out pistol from his waist and fired on the chest of Jai Prakash Mishra, as a result of which he died.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Mother of the petitioner has filed criminal case vide Baniyapur PS case No. 147 of 2017 against the informant and deceased and the present case is counter blast. Petitioner is in custody since 20.06.2019 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of causing firearm injury against the petitioner and it was he who fired upon the chest of Jai Prakash Mishra (deceased), as a result of which he died.

Considering the facts aforesaid and the fact that petitioner is the main assailant, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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