

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2741 of 2021

Arising Out of PS. Case No.-41 Year-2018 Thana- HABIBPUR District- Bhagalpur

Md Mehwal Alam @ Mehbal Alam aged about 32 years Son Of Late Islam
Resident Of Village-Bhatuabari, P.S.-HABIBPUR, District-Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md. Nurul Hoda, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Habibpur Police
Station Case No. 41 of 2018 registered for the offences
punishable under sections 302 of the Indian Penal Code and
271.

As per the prosecution case, when the Barat
procession reached near Sahjangi Mela Maidan and baraties
were dancing on loud sound, the petitioner by means of a
country made pistol fired on the nephew of the informant on his
temple region as a result of which he sustained firearm injury
and died.

Learned counsel for the petitioner submits that the
incident of firing is accidental and not intentional. He submits
that the petitioner's name has been taken only on the basis of



suspicion and no incriminating material has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 28.6.2020.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation that the petitioner fired at the temple region of the victim causing his instant death. Doctor has also opined that the death was caused due to firearm injury.

In view of the specific allegation against the petitioner that he fired at the temple region of the victim causing his instant death, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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