

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2591 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- HATHUA District- Gopalganj

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MUKESH PANDEY Son of Shree Satish Pandey Resident of Village -
Nayagaon, P.S.- Mirganj, Distt.- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Advocate

For the State : Mr. Chandra Sen Prasad Singh, APP

For the Informant : Mr. Pushkar Narayan Shahi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-08-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 302, 120(B), 307/34 of the I.P.C. and Section 27 of the Arms Act.

According to first information report, the petitioner caused firearm injury to the father of the informant as a result whereof father of the informant died. Petitioner further caused firearm injury to the informant at his hand. Co-accused caused firearm injury to the mother of the informant as a result of which mother of the informant died and brother of the informant



was also murdered in the same occurrence. The postmortem report would reveal that the doctor has found consistent injury on the person of father of the informant.

Learned senior counsel Mr. Y.V. Giri appearing for the petitioner submits that the petitioner is in custody since 25.05.2020 after his arrest from his residence. The informant is a man of having criminal history. In fact, he is not an eye witness of the occurrence and there is no reasonable explanation as to why when the occurrence took place in the district of Gopalganj, the fardbeyan was recorded by the police at P.M.C.H., Patna. Moreover, the CCTV footage collected during investigation creates doubt on the presence of the informant at the time of the occurrence.

Learned senior counsel Mr. Pushkar Narayan Shahi appearing for the informant and learned counsel for the State opposed the prayer for bail contending that the petitioner is also having a long list of criminal antecedent.

Considering the nature and seriousness of the allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, prayer for bail is refused in connection with Hathua P.S. Case No. 43 of 2020 pending in the court of learned Chief Judicial Magistrate, Gopalganj.



The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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