

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9702 of 2021**

Arising Out of PS. Case No.-106 Year-2019 Thana- BELSAND District- Sitamarhi

Rahul Kumar @ Munnu Son of Shobha Prasad Resident of Village - Pandrahi,
P.S. - Belsand, District – Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 19-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Belsand P.S. Case No. 106 of 2019, registered for the offence under Sections 302, 379/34 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have caused fire-arm injury in the eye of father of the informant, whereas co-accused Ratan Kumar also caused fire-arm injury on the forehead of informant's father and three other co-accused persons also opened fired upon the father of informant, as a result, he died during treatment.

It is submitted on behalf of petitioner that the allegation of firing is not only against the petitioner, but also against other co-accused persons and therefore, petitioner is not sole responsible for causing death of deceased. Other two co-



accused namely Mani Singh and Shivam Kumar have already been granted bail by this Court, vide order dated 23.09.2020 passed in Cr.Misc. No. 24272 of 2020 and order dated 05.06.2020 passed in Cr.Misc. No. 12982 of 2020 respectively. Petitioner has got clean antecedent and is in custody since 17.10.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against the petitioner of causing fire-arm injury in the eye of informant's father and *post-mortem* report also reveals that cause of death is haemorrhage and shock due to injuries caused by fire-arm.

Considering the rival submission of the parties, *post-mortem* report and specific allegation of firing against the petitioner, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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