

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9710 of 2021**

Arising Out of PS. Case No.-386 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJ PANDEY SON OF MUNNA PANDEY @ MANORANJAN PANDEY
R/O VILLAGE- BASWARIA, P.S.- MUFFASIL, DIST.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Madhurendra Kumar

Mr. Jitendra Kumar Singh

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

4 23-08-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302, 379, 34 of the Indian
Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on the alleged date of
occurrence, this petitioner along with his associates assaulted
the nephew of informant on the point of pistol and thereafter
the informant tried to rescue his nephew but this petitioner shot
at the nephew of the informant. The nephew of informant was
taken to hospital but the doctor declared him dead.

Learned counsel appearing for the petitioner submits



that informant is not an eye witness of the occurrence. The petitioner has been falsely been implicated in the case only on suspicion with oblique and ulterior motive. It is further submitted that during the course of investigation none of the witnesses has stated about involvement of the petitioner in the alleged crime. Petitioner is in custody since 27.08.2020.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that there is direct and specific allegation against this petitioner of firing upon the nephew of informant as a result of which he died.

Considering the nature of allegation and gravity of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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