

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2424 of 2022**

Arising Out of PS. Case No.-30 Year-2020 Thana- MATIHANI District- Begusarai

Md. Shabir S/O Md. Salauddin R/o village- Saidpur, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Shivam
For the Opposite Party/s	:	Mr. Ram Sumiran Rai

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

2 25-03-2022 Heard learned counsel for the petitioner and learned A.P.P for the State through video conferencing.

The petitioner seeks bail in Matihani P.S. Case No. 30 of 2020 corresponding to Sessions Trial No. 422 of 2021, registered for the offence punishable under Sections 307, 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

Case of prosecution in brief is that on the alleged date and time of occurrence, petitioner called the brother of informant at his house for Panchayati where petitioner along with two other FIR named accused persons and four unknown were present from before. It is further alleged that when informant's brother reached there, all the accused persons



including petitioner assaulted the brother of informant and also fired upon him resulting in his death.

It is submitted on behalf of the petitioner that from bare perusal of FIR it is apparent that informant is not eye-witness of the occurrence, as he reached the place of occurrence after hearing the sound of firing. It is next submitted that the Investigating Officer has not found any drop of blood or empty cartridge at the place of occurrence. Postmortem report also not supported the prosecution case. Petitioner is in custody since 28.12.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner is one of the assailants of the deceased and there is specific and direct allegation that he along with others caused gunshot injury as a result of which brother of informant died.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

