

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8334 of 2022

Arising Out of PS. Case No.-455 Year-2020 Thana- PATLIPUTRA District- Patna

Simant Kumar Son of Dilip Kumar, Resident of Mohalla - Bajrangballi, Near
Hanuman Mandir, Mainpura, P.S- Patliputra, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, A.P.P.
For the Informant	:	Mr. Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that the
informant Richa Kumari and her husband were sitting in their
house. The petitioner (Simant Kumar @ Bittu) along with other
co-accused namely, Dilip Kumar, Kuldip Singh, Atul Kumar
came on motorcycles and started abusing them. Thereafter, on
instigation of accused, Simant @ Bittu took out a pistol from his



waist, and fired 5-6 round on the husband of the informant then the informant's husband sustained injury. The accused petitioners fled away and after some time the police reached and took informant's husband for treatment in Ruban Hospital, Patliputra, Patna but during course of treatment he died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute. He further submits that allegation as alleged in the F.I.R. is concocted and false and in fact the petitioner is nephew of the deceased.

The learned counsel for the Informant as well as learned A.P.P. have vehemently opposed the prayer for bail of the petitioner and submits that there is specific and direct allegation against the petitioner that he fired upon the deceased and the postmortem report also corroborate the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Patliputra P.S. Case No. 455 of 2020 pending in the court of learned Sub-Judge-XII-cum-Additional Chief Judicial Magistrate, Patna. Prayer is refused.

(Rajesh Kumar Verma, J)

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