

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17424 of 2022

Arising Out of PS. Case No.-416 Year-2020 Thana- PARBATTa District- Khagaria

Bipul Kumar @ Vipul Singh Son Of Pankaj Singh @ Pankaj Kumar Singh
R/O Village- Shri Rampur Thuthi, P.S.- Parbatta, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nath, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Parbatta P.S. Case No. 416 of 2020 registered for the offences under Sections 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly the petitioner and co-accused persons along with 6 unknown persons forcefully dragged the informant and his co-villager Nakul Sharma from informant's Bathan and took them at some place namely Kishori Bathan where the present petitioner and co-accused Satyam Kuwar caused fire arm injury



to Nakul Sharma by using country-made pistol which resulted in death of said Nakul Sharma and also caused fire arm injury to the informant.

The main submissions advanced by learned counsel for the petitioner are that the FIR of the present case was lodged after two days of the alleged occurrence regarding which there is no explanation and as per prosecution story the alleged occurrence is stated to have taken place in the dark night of winter season at 10:00 p.m., but the prosecution has not disclosed the source of identification of the petitioner and co-accused persons by the informant who claimed to have identified the petitioner and co-accused persons and in the FIR any motive to commit the alleged murder by petitioner has not been mentioned and against the petitioner, there is no specific allegation. Further submission is that only one fire-arm injury was found on the body of the deceased while two assailant's are alleged to have opened fire-arms at deceased and the said fact in itself falsifies the allegation made in the FIR and the petitioner has been languishing in jail since 24.9.2021.

Learned APP appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this



case and mainly considering the seriousness of the occurrence which relates to murder and petitioner is specifically alleged to have caused fire arm injury to the deceased who died at the spot, in my view petitioner does not deserve to bail. Accordingly his prayer for bail stands rejected.

(Shailendra Singh, J)

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