

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21585 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

Mukesh Kumar Son of Phulena Singh Resident of Village - Simaria, P.S.-
Barauni (Chakiya O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate.
For the Opposite Party/s	:	Mr. Ramchandra Singh, APP.
For the Informant	:	Mr. Shubhesh Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner, Mr. Shubhesh Pandey, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Barauni P. S. Case No. 243 of 2021 registered for the offences punishable under Sections 386, 302, 379 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.



As per the prosecution case, it is alleged that the F.I.R. named accused persons including this petitioner along with eleven unknown persons surrounded the son of the informant and started abusing him, when the informant asked as to why they are abusing, whereupon, they said that he has asked to pay Rs. 25,00,000/- as *rangdari* but he refused to pay the same, in the meantime, co-accused Babloo Kumar ordered to kill whereupon, the petitioner shot over the head of the son of the informant due to which he died.

Learned counsel appearing on behalf of the petitioner submitted that the post mortem report does not corroborate the allegation in as much as no injury has been found over the head of the deceased. It is further submitted that from the tenor of the F.I.R., it appears that indiscriminate firing has been made and it is difficult to suggest that whose firing hit on the body of the deceased. It is next submitted that this petitioner is in custody since 18.08.2021.

On the other hand, learned counsel for the informant submits that there is specific allegation against the petitioner that he fired upon the head of the deceased and moreover, the post mortem report suggests that the death caused on account of firearm injury.



The learned APP for the State while opposing the bail application supports the prosecution case as also the submissions made by the learned counsel for the informant. He further submits that the petitioner has multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the specific nature of acquisition and the gravity of the offence that the son of the informant was shot dead in broad day light due to non-payment of extortion money, apart from that the petitioner has criminal antecedent, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application stands dismissed for present.

Further, it is expected that the learned trial court will take all necessary steps to conclude the trial as early as possible.

(Harish Kumar, J)

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