

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35870 of 2021**

Arising Out of PS. Case No.-241 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

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DHIRAJ KAMKAR S/o Raj Kumar Kamkar @ Raj Kumar Prasad Pandey
R/o village- Pandeypatti, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the informant	:	Mr. Ravi Shanka Pathak, Advocate
For the State	:	Mr. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-02-2022 Heard Mr. Shankar Kumar, learned counsel for the petitioner, Mr. Ravi Shankar Pathak, learned counsel for the informant and Mr. Pronoti Singh, Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sessions Trial No. 255 of 2019 arising out of Buxar (Muffasil) P.S. Case No. 241 of 2019 registered for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

As per the First Information Report, the petitioner has fired upon the son of the informant, due to which, he sustained firearm injury in his thigh and subsequently, he died.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case at the instance of his enemies and the prosecution story is completely false, fabricated and concocted. He further submits that inquest report of the deceased Kanhaiya Yadav was prepared on 3.8.2019 at 8:30 p.m. whereas the First Information Report was instituted on 3.8.2019 at 9:00 p.m. i.e. after the preparation of inquest report which creates doubt in the prosecution story. He next submits that the petitioner is in custody since 3.6.2020 and charge sheet has already been submitted.

On the other hand, learned counsel for the informant and the State opposed the prayer for bail and submit that there is direct allegation of firing upon the petitioner and from perusal of the postmortem report, it appears that the Doctor has opined the cause of death on account of haemorrhage and shock due to firearms. He next submits that the petitioner has got criminal antecedents inasmuch as five cases of serious nature are pending against him.

Having regards to the submission made by the parties and taking into consideration the materials on record, the nature of allegation and the fact that the petitioner is main assailant and he has got criminal antecedents, I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not register any substantial progress.

(Anil Kumar Sinha, J)

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