

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31329 of 2022

Arising Out of PS. Case No.-845 Year-2020 Thana- SAHARSA SADAR District- Saharsa

Aman Gupta Son of Shankar Prasad Gupta Resident of Village - Chandani
Chowk, Ward No. 20, P.S.- Saharsa Sadar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Pd. Keshri, Advocate.

For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Mr. Arjun Prasad Keshri, learned counsel for the peti-
tioner and Mr. Umanath Mishra, learned APP for the State are
present.

Petitioner seeks regular bail in connection with Sa-
harsa Sadar P.S. case no. 845 of 2020 registered for the offences
punishable under Sections, 341, 323, 448, 354, 307, 504, 506/34
of the Indian Penal Code and Section 27 of the Arms Act and
later-on added Section 302 of the Indian Penal Code.

As per allegation, in following with the direction given
by the co-accused persons, who happen to be the parents of the pe-
titioner, the informant's son was caused fire-arm injury by the peti-



tioner and during that course, the informant and his other family members were also assaulted by the accused persons and as per the prosecution story the accused persons entered into the house of the informant by opening the lock of the informant's house which was objected by the informant and his family members which led to the happening of the alleged occurrence.

The main submissions advanced by the learned counsel for the petitioner are that there was not a good relation between both the parties at the time of alleged occurrence due to a land dispute and as such the present case was falsely lodged against the petitioner and there is contradiction between medical report of the deceased and the allegation made in the FIR and the petitioner himself surrendered before the Court below on 26.11.2020 and as per the death certificate issued by the concerned hospital, the cause of death of the deceased was opined due to cardiac arrest and the petitioner has got no criminal antecedent.

Mr. Umanath Mishra, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and post mortem report of the deceased. Admittedly, there was not a good relation between the prosecution party and the petitioner's family and there is a specific allegation against the petitioner and at



the direction of the co accused persons, he caused bullet injury to the informant's son and the same gets corroboration from the post-mortem report of the deceased and the petitioner appears to be the main accused of the case which relates to murder and the manner of the occurrence described in the FIR goes to show that the alleged occurrence was committed in a planned manner by the accused persons. Considering these facts and mainly seriousness of the allegation appearing against the petitioner, in the opinion of this Court, it is not a fit case for grant of bail to the petitioner. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J)

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