

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42255 of 2021

Arising Out of PS. Case No.-452 Year-2013 Thana- NAUBATPUR District- Patna

=====

HIMANSHU KUMAR @ HIMANSHU PASWAN Son of Om Prakash
Paswan R/o Village- Baruna, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with S.Tr. No. 338/21 arising out of Naubatpur P.S. Case No. 452/13, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that the father and sister of the informant had gone to the field to cut paddy and at about 12.30 in the afternoon, when they were returning after cutting paddy, four accused persons including the



petitioner herein had surrounded them, whereafter they had fired gunshots on the father of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.1.2021. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and therefore, the petitioner cannot be singled out for the alleged occurrence.

Per contra, the learned APP for the State has referred to the statement of the sister of the informant, namely, Champa Kumari, to submit that she is the eye-witness of the alleged occurrence since she was accompanying her father and she has categorically stated that the petitioner along with others had fired gunshots on her father resulting in his death. It is further submitted that the incident also stands



corroborated from the postmortem report in which the Doctor has categorically opined that the death of the deceased has taken place on account of acute shock and hemorrhage due to the injuries caused by firearm.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, apart from considering the materials available in the case diary and the statement of the eye-witness, namely, Champa Kumari, this Court finds that the complicity of the petitioner in the alleged crime is writ large on the face of the records of the present case and moreover, there are ample materials to show that the petitioner has fired gunshots along with other accused persons on the father of the informant resulting in his death, hence, I do not find any merit in the present petition so as to warrant grant of bail to the petitioner.

Accordingly, the present petition stands



dismissed.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

