

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34080 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- MOTIPUR District- Muzaffarpur

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UMESH ROY S/o Ramkrit Roy R/o village- Mahana, P.S.- Motipur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-09-2022 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 State.

Petitioner seeks regular bail in Motipur P.S. Case No.

50/2022 registered for the offences punishable under sections

302, 120B of the Indian Penal Code and section 27 of the Arms

Act.

As per allegation, few days ago father-in-law of the

informant (deceased) had sold his land and paid the loan to the

people and co-accused Mira Devi was demanding more money

and threatened the deceased for dire consequences and on the

alleged night of the occurrence two accused persons entered into

the house of informant and fired at the deceased as a result of



which he died.

The main submissions advanced by learned counsel Sri Manoj Kumar appearing for the petitioner are that only one firearm injury has been found on the body of the deceased and as per the FIR the petitioner is not alleged to have caused the said firearm injury and there is no serious and specific allegation against the petitioner and he has been languishing in jail since 07.02.2022.

Ms. Ranjana Srivastava, learned counsel appearing for the informant as well as Sri Jai Narayan Thakur, learned APP for the State has vehemently opposed the bail prayer and submitted that this petitioner as well as co-accused committed the alleged offence in a planned manner in furtherance of threat given by co-accused Mira Devi and in view of the nature of allegation made in the FIR petitioner's role in the alleged crime can not be deemed to be less graver than the act of co-accused.

Heard both the sides and perused the FIR. The petitioner is named in the FIR and according to the prosecution's story there was money transaction dispute between the deceased and Mira Devi and this petitioner and on the alleged night of the occurrence two accused persons including the petitioner entered



into the house of informant in whom one was identified by the informant who happens to be a relative of the co-accused Mira Devi, during that occurrence, co-accused fired at the father-in-law of the informant owing to that firing the father-in-law of the informant sustained firearm injury and he died at the spot. The petitioner is stated to be the neighbour of the informant and deceased and he was caught hold by the informant at the time of occurrence. The manner of the occurrence described in the FIR goes to show that the occurrence was committed in the planned manner.

Considering these facts, in the opinion of this court the petitioner does not deserve the privilege of bail and accordingly his prayer for bail stands rejected. The petitioner may renew his prayer for bail after framing of the charge.

(Shailendra Singh, J)

s.hassan/-

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