

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48117 of 2021**

Arising Out of PS. Case No.-93 Year-2019 Thana- CHANDRADIP District- Jamui

Md. Faisal, Son of Izahar, Resident of Village- Arha, P.S. - Chandradeep,
District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 04-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Satya Prakash Prasara, learned counsel for the petitioner and Mr. Pramod Kumar Pandey, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chandradeep P.S. Case No. 93 of 2019, registered for the offences under Sections 323, 341, 307, 504 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act

As per the prosecution case, it is alleged that the son of the informant had two wives and the first wife along with her two children were residing with the informant whereas the



petitioner was residing with his second wife and two children. On 03.08.2019, the petitioner and his second wife were beating the children of first wife, then the informant and his wife tried to save them, thereupon it is alleged that this petitioner on the instigation of some of the family members made indiscriminate firing upon the informant and his wife causing gun shot injuries.

Learned counsel appearing on behalf of the petitioner submits that the alleged occurrence is said to have taken place on a spur of moment and there was no such intention to cause any injury or harm to the informant and his wife, who are non-else, but the father and the mother of the petitioner. It is next submitted that the injuries sustained to the informant is though grievous in nature but the injuries sustained to the wife of the informant is simple in nature and moreover there is no repetition of firing. It is next submitted that this petitioner is in custody since 10.02.2021 having no criminal antecedent and he has already punished appropriately.

Learned APP for the State vehemently opposes the bail application and submits that there is specific allegation that this petitioner has fired upon his own father and mother, which was also corroborated by the injury report of both the informant and his wife.



Having regard to the submissions made on behalf of the parties and considering the nature of accusation, as also the gravity of the offence that this petitioner being the son of the informant fired upon his own father and mother, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the prayer for grant of bail to the petitioner is hereby rejected.

It is expected that the learned trial court will take all necessary sincere step to conclude the trial at the earliest.

(Harish Kumar, J)

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