

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52005 of 2021**

Arising Out of PS. Case No.-201 Year-2019 Thana- BIDUPUR District- Vaishali

=====

VIVEK KUMAR @ VIVEK KUMAR SINGH S/o DHARAMNATH SINGH
R/o VILLAGE-MADHURAPUR, P.S-BIDUPUR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that over a dispute relating to digging a part of the land, four named accused persons including the petitioner herein came. The petitioner and one Abhishek Kumar Singh armed with pistol and *katta* resorted to indiscriminate firing as a result of which the father of the informant was injured and subsequently died in course of treatment.

It is submitted by learned counsel for the petitioner that the accused and the informant side are agnates/cousins which has purposely been suppressed by the informant in the



F.I.R. The relationship between the parties have not been disclosed for the reason that the dispute is primarily civil in nature. Referring to the statement of the the witnesses recorded in course of the investigation, it is submitted that the same contradict the informant's statement in the FIR. The age of the father of the informant has not been mentioned by the Investigating Officer nor has the CDR been brought on record. The petitioner is in custody since 9.11.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. as also the statement of the witnesses recorded in course of investigation, the allegation being that as a result of indiscriminate firing by the petitioner and one Abhishek Kumar Singh, father of the informant died as a result of gun shot injury and the same having been confirmed from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

