

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51963 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- DESARI District- Vaishali

Mithilesh Kumar @ Mithilesh Kumar Mahto S/O Dashai Mahto R/O Village-
Vikhanpura, P.S.- Desri (Chandpura O.P.), District- Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 04-02-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in registered for the offences punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, this petitioner caused fire arms injury on the chest of the son of the informant causing his death.

Learned counsel for the petitioner submits that the police, during course of investigation, did not find blood stain on the place of occurrence, as such, a doubt is created on the prosecution story and it appears that the victim might have received fire arms injury at the hand of some other person and the petitioner has falsely been implicated in this case due to village politics. Petitioner has got clean antecedent as stated in



paragraph 3 of the bail petition. Petitioner is in custody since 29.1.2021. Investigation is complete.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner that he caused fire arms injury to the victim causing his death on way to the hospital. Post mortem report also reveals that the victim died of fire arms injury.

Considering the nature and gravity of accusation against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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