

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60152 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- SARMERA District- Nalanda

Chandrabhushan Prasad @ Pappu, Son Of Late Rajendra Prasad Resident Of
Village - Chero, P.S.- Sarmera, Distt.- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Amresh Kumar Sinha- Advocate
For the State	:	Mr. Satyendra Narayan Singh
For the Informant	:	Mr. Saurav Anand- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-04-2022 Heard learned senior counsel for the petitioner,
learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The learned senior counsel for the petitioner submits that the petitioner is in custody since 12.07.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case.

The learned senior counsel for the petitioner further submits that the informant alleges that the son of the informant was sitting in his hardware shop while the informant was sitting on the terrace of his shop and saw the petitioner, who came to



buy nut and bolt and thereafter, heard sound of firing. Accordingly, the informant came down and saw his son was shot in the stomach, who died on way to the hospital.

The learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant in the F.I.R. has alleged that at the place of occurrence, Rajeshwari Singh @ Mukhiya Jee and Anil Singh were also present, but at the same time, he also has stated that he has not seen anyone firing at the deceased. The learned senior counsel thus submits that when the informant himself has not alleged anything against the petitioner, nor has raised any suspicion against him that in itself shows that petitioner has not committed the occurrence. The learned senior counsel further submits that even Rajeshwari Singh in his statement before the police has also stated that he had seen this petitioner entered the shop of the deceased, but has not seen, who fired.

Learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application. The learned counsel for the informant submits that it is not in dispute that it was only the petitioner, who had entered the shop when the occurrence took place. It is also submitted that the mother of the



deceased has also stated before the police that she had seen the petitioner committing the occurrence and fleeing along with his brother Vidya Bhushan on motorcycle with pistol in his hand. It is also submitted that even the wife of the deceased has stated before the police that it was this petitioner, who fired at the deceased. The learned counsel for the informant submits that no mother and wife would falsely implicate someone knowing that he is innocent.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected for the present.

(Satyavrat Verma, J)

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