

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6276 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

BIRU PRASAD SON OF HARILAL PRASAD R/O VILLAGE- BRIT
BELWA, P.S.- KUCHAIKOTE, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 52 of 2022 registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 23.03.2022.

The allegation against the petitioner is to commit the murder of husband of informant along with other co-accused persons, by causing firearms injuries, where, occurrence is arises out of previous enmities, due to money dispute out of fishing trade.

Learned counsel appearing on behalf of the petitioner submitted that taking the narration of FIR into consideration, it



appears that the petitioner was in inimical term with informant due to certain disputes arises out of fishing trade. It is submitted that out of said suspicion only the petitioner implicated falsely with present case. It is submitted that it can be said safely by taking face of FIR that informant is not eye-witness of the occurrence and she arrived on the place of occurrence on the hearing of sound of firing, therefore, specific allegation against this petitioner as to cause firearms injuries is formulated in view of previous enmities only. While concluding the argument, it is submitted that petitioner found involved in 02 more criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact, as informant arrived on place of occurrence after hearing sound of bullet as per the narration of FIR creating doubt, *prima facie*, being eye-witness of the occurrence coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 23.03.2022, let



the petitioner, above named, is directed to be released on bail in connection with Kuchaikote P.S. Case No. 52 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Gopalganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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