

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5725 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- KOILWAR District- Bhojpur

CHHOTU @ SHAMSHAD ALAM S/o Md. Yunus @ Md. Yunish Ansari R/o
village- Kulhariya, P.S.- Koilwar, Distt.- Bhojpur at Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh,Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Ms.
Sangeeta Sharma.

The petitioner seeks regular bail in connection with Koilwar P.S. Case No. 261 of 2021, registered for the offences punishable under Sections 302/ 120(B)/ 34 of the Indian Penal Code and 27 of the Arms Act.

The case of the prosecution in brief is that while the informant was at the cattle shed of his brother, namely, Rabindra Kumar Yadav, at about 8:00 pm in the night on 10.06.2021, he heard sound of firing at about 8:00 pm. and when



he came out of shed, he found the petitioner and two other co-accused persons firing indiscriminately upon the brother of the informant by pistol, which they were holding in their hand, resulting in death of the brother of the informant on the spot, whereupon, the co-accused persons including the petitioner herein had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 12.06.2021. The learned counsel for the petitioner has further submitted that the cattle shed in question is situated outside the village and there is no means of identification of the accused persons in the night outside the village, hence the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



I have heard the learned counsel for the petitioner and perused the materials on record and also gone through the impugned order dated 18.12.2021 from which it is apparent that the petitioner is alleged to have fired gunshot on the deceased along with others, resulting in death of the deceased and moreover, it is apparent from the impugned order that the learned court below has examined the case diary whereupon it has prima facie found the complicity of the petitioner in the alleged crime, hence, I am not inclined to grant bail to the petitioner.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

kanchan/Sonal-

U		T	
---	--	---	--

