

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8697 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- DUMRAO District- Buxar

Sunil Kumar Pathak @ Sunil Pathak Son Of Late Janardhan Pathak R/O
Village- Safa Khana Road, Dumraon, P.S.- Dumraon, District- Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302,
307, 120B and 34 of the Indian Penal Code.

As per F.I.R., the prosecution case is that due to
inter-caste marriage accused persons including the
petitioner came and fired upon the son of the informant due
to which his son sustained gunshot injury. It is further
alleged that the petitioner specifically fired upon the head of
the deceased due to which he died.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. An



altercation is going between the parties due to inter-caste marriage and merely on the basis of that the petitioner has falsely been implicated in this case. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 28.07.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that there is specific overt-act of open firing levelled against the petitioner upon the head of the informant's son due to which his son sustained gunshot injury and died. As per Postmortem Report, doctor opined cause of death due to haemorrhage and shock caused by fire-arm. It is further submitted that during investigation several witnesses also supported the prosecution version.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of open firing upon the head of the deceased, resulting into his death, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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