

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9879 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- GWALPARA District- Madhepura

Mannu Kumar, S/o Biren Yadav, Resident of village- Nauhar Kothi, Ward No.- 11, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Gwalpara P.S. Case No.147 of 2022 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner named in the FIR and is in custody since 10.08.2022.

Allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons by causing firearm injuries, where allegation of firing is also available against this petitioner. The occurrence is alleged to be arises out of land dispute between the parties.

It is submitted by learned counsel that allegation as



to cause fatal firearm injury is available against co-accused Biren Yadav as bullet fired by co-accused Biren Yadav hit the left chest of the deceased-son of informant causing his death, whereas the bullet as alleged to be fired by this petitioner hit the right hand of deceased-son of the informant. It is submitted that no such alleged firing was caused by this petitioner and his implication only being family members. It is submitted that the alleged firing as per narration of the FIR is appearing on non-vital part of the body. While concluding argument, it is submitted that the occurrence is out of land dispute where petitioner is man of clean antecedent and moreover the investigation of this has been completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for bail of the petitioner.

In view of the above-mentioned facts and circumstances, as allegation of firing against the petitioner is on non-vital part of the body of deceased, whereas fatal firearm injury was caused by co-accused Biren Yadav, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.08.2022, the petitioner, above-named, is



directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No.147 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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