

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12319 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- PIRO District- Bhojpur

VIKASH KUMAR @ NEPALI Son of Late Jayee Singh @ Jayanarayan
Singh R/V- Gachayi, P.s- Karakat, Dist-Rohtas Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Jharkhandi Upadhyay
For the Informant Mr. Sumeet Kumar, Mr. Nikhil Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Sections 302/34/120(B) of the Indian
Penal Code.

As per allegation in the FIR, while the informant and
his uncle was on construction site, three miscreants including
the petitioner came there by Apache motorcycle and petitioner
opened fire upon his uncle which hit his chest and he fell down
on the pool of blood. Co-accused Manti Singh @ Rakesh also
fired on the petitioner, but he narrowly escapes. With the help of
co-villagers, informant's uncle was being taken to Sadar
Hospital Ara's, but on way he died and doctor declared his
brought dead.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case due to previous enmity. Though the petitioner is named in the FIR but during investigation no independent witness has supported the prosecution version. Petitioner is languishing in judicial custody since 27.6.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of firing against the petitioner in the FIR as a result of which informant's uncle succumbed to injuries. Informant himself is the eye witness of he alleged occurrence. Postmortem report also shows cause of death due to fire arm injuries.

Having heard the learned counsel for the parties and considering the nature of allegation, 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 and conclude the trial.

(Sunil Kumar Panwar, J)

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