

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14524 of 2023

Arising Out of PS. Case No.-223 Year-2021 Thana- BARHARA KOTHI District- Purnia

Tallu Soren S/O Bablu Soren R/V- Brahmganyi, P.S.- Bhawanipur, District-
Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case in nutshell is that petitioner along with other miscreants surrounded the informant and his nephew. It is also alleged that at the instance of one Sumit Kumar Taddu, petitioner fired upon informant's nephew, namely, Sanjay Taddu which hit in his stomach due to which he succumbed to firearm injuries. During the course of resistance, informant also sustained fire arm injury in his hand. It is further alleged that prior to the date of occurrence, petitioner had threatened the informant of dire consequences.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. It is also submitted that the whole story is based on false and concocted allegations. It is impossible to identify the miscreants in the dead night because there was no any proper source of light. Petitioner has got no criminal antecedent and he is in languishing in judicial custody since 05.05.2022.

5. The application for bail is opposed by learned APP for the State and submitted that there is direct allegation of firing against the petitioner which hit informant's nephew, namely, Sanjay Taddu. Resulting into his death by fire arm injury. Informant has also sustained fire arm injury. In postmortem report, doctor has opined cause of death of Sanjay Taddu is due to shock and hemorrhage caused by gun shot injury. In para 35 of the case diary, it is mentioned that injury of informant is caused by fire arm which is in consonance with the prosecution version.

6. 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.



7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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