

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15623 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- PATORI District- Samastipur

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KUMOD THAKUR S/O BISHESHWAR THAKUR @ ZILA KESHRI R/v-
Gorgama, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-07-2023 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 of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation in the FIR, while the informant with
his father had gone to their field for cutting the grass in the
meantime, on four motorcycles, 10 accused persons came there
and on the order of co-accused Bisheshwar Thakur, his son,
Kumod Thakur (petitioner) shot fire which hit informant's father
on his forehead and he fell down. On the way to PMCH, Patna,
he succumbed to gun shot injuries.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. On the alleged date of occurrence, petitioner was not present on spot rather he was in the court and surrendered in another case as at the time of occurrence, the court was running in morning but due to old enmity the petitioner has been roped in the present case as the assailant of the case. Petitioner is languishing in judicial custody since 2.7.2022.

The application for bail is opposed by learned APP for the State and submitted that there is direct allegation of firing against the petitioner in the FIR as a result of which informant's father succumbed to gun-shot injuries. Postmortem report support the prosecution case and 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 at the earliest.

(Sunil Kumar Panwar, J)

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