

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18536 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- KALYANPUR District- Samastipur

Kamlesh Kumar Son Of Ram Udgar Mahto Resident Of Village-Somnaha
Tola Chaksima, P.S.-Chakmehsi, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 506, 34, 504 of the IPC and Section 27 of the Arms Act later on Section 302 of the IPC was also added

As per prosecution case, the allegation against the accused persons including the petitioner is that they in a conspiracy opened fired upon the informant due to which he sustained gunshot injury on his vital part and during treatment he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous land



dispute. It is further submitted that the petitioner is languishing in judicial custody since 14.01.2023.

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 opening fire levllled against the petitioner. During restatement the victim/deceased, and independent witnesses also supported the prosecution version.

Having heard the learned counsel for the parties and considering the facts and circumstances that there is direct allegation against the petitioner of opening fire upon the spinal cord of the deceased and due to which during treatment he died, 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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