

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24193 of 2023**

Arising Out of PS. Case No.-239 Year-2022 Thana- DUMRAO District- Buxar

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PRATHAM KUMAR PATHAK @ SONU PATHAK Son of Sunil Pathak
Resident of Safa Khana Road Po Ps- Dumraon Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate
	:	Mr. Shiv Pujan Sahay, Advocate
	:	Mr. Jitendra Kumar George, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioner and the

State.

Petitioner apprehends arrest in a case registered for
the offence punishable under sections 302, 307, 120(B)/34 of
the Indian Penal Code and under Section 27 of Arms Act.

As per the FIR, on the alleged date and time of
occurrence, co-accused Sunil Pathak and Dhanu Pathak are
alleged to have fired twice upon Monu Kumar which hit him
in the right shoulder and beneath the left shoulder. It is further
alleged that Sunil Pathak pressed the neck of the Monu Kumar



with his leg whereas Dhanu Pathak assaulted Monu Kumar with the butt of the pistol on the back of his head. As a result, Monu Kumar died on the spot. It is further alleged that prior to this occurrence, Sunil Pathak had threatened the informant and his family members with dire consequences.

It is submitted on behalf of the petitioner that the accusation of assault and causing firearm injury is against co-accused Sunil Pathak and Dhanu Pathak. So far as this petitioner is concerned, there is no allegation of assault, firing or threatening the family members of the informant. Police after investigation submitted final form of the case but the court below differing with the same took cognizance of the offence against this petitioner. The petitioner has got no criminal antecedent.

Learned counsel for the State opposes the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with



Dumraon P.S. case no. 239 of 2022 subject to the conditions
laid down under section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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