

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24218 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- KESARIA District- East Champaran

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Bipin Kumar @ Bipin Kumar Yadav Son Of Late Ram Balak Ray @ Ram
Balak Yadav R/O Village- Hushepur, Pancharukhiya, P.S.- Sahebganj,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 14-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Kesariya
P.S. Case No. 248 of 2021 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27
of Arms Act.

As per the prosecution, the informant alleged that her
husband has been shot dead by this petitioner and other co-
accused persons.

The main submissions advanced by learned counsel Mr.
Dhurendra Kumar, appearing for the petitioner are that from the
alleged place of occurrence only one used cartridge was
recovered which shows that only one shot was fired at the



deceased person and the same falsifies the allegation of indiscriminate firing by the accused persons named in the FIR and the informant named the petitioner merely on the basis of suspicion on account of petitioner (Bipin Kumar) being friend of his brother (Munna Kumar) and the petitioner has been languishing in jail since 26.08.2021.

Learned APP Mr. Ramchandra Singh, has opposed the prayer for bail and submitted that in the FIR there is a specific allegation against the petitioner and he was allegedly seen by the informant carrying a pistol in his hand at the relevant time of the alleged occurrence of firing at the place of occurrence.

Having considered the seriousness of the occurrence which relates to murder of the informant's husband and the petitioner is named in the FIR and the informant made specific allegation against the petitioner having firearm at the relevant time of the alleged occurrence with co-accused persons and the informant is stated to be sister of co-accused namely, Munna Kumar and according to the prosecution the parental family members of the informant were not happy with her marriage with the deceased, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, petitioner's prayer for bail stands rejected.



The petitioner may renew his prayer for bail after six months, if any significant progress is not made in his trial by the Trial Court.

(Shailendra Singh, J.)

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