

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29811 of 2023

Arising Out of PS. Case No.-1510 Year-2022 Thana- PHULWARISHARIF District- Patna

ABHISHEK KUMAR @ CHOTU @ ABHISHEK SINGH @ CHHOTU
SON OF SANTOSH GUPTA @ SANTOSH KUMAR RESIDENT OF
VILLAGE- TAKIYAPAR DANAPUR, PS- DANAPUR, DISTT- PATNA
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Umesh Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023 Heard Mrs. Soni Shrivastava, learned counsel for
the petitioner and Mr. Damodar Prasad Tiwary, learned APP for
the State and Mr. Umesh Chandra, learned counsel appearing on
behalf of the informant.

The petitioner is in custody in connection with
Phulwarisharif (Janipur) P.S. Case No. 1510 of 2022 for the
offence under sections 302/326/34 of the Indian Penal Code and
27 of Arms Act lodged on 09.12.2022 by the informant, Lav
Kush Gupta.

As per the prosecution story, the informant alleged
that he alongwith his brother were going to attend marriage
ceremony, his maternal brother-in-law, Bittu Kumar requested
them not to attend. As they tried to leave, allegation is that this
petitioner opened fire causing injuries to both of them and
subsequently, his brother succumbed to those injuries.
Accordingly, the F.I.R.



Learned counsel for the petitioner submits that against the allegation of three bullet shots being fired by the petitioner, only one shot was recovered during post-mortem. She further submits that the occurrence is of 08.12.2022 at 10:30 p.m., FIR came to be lodged at 03:40 p.m. on the next day i.e. on 09.12.2022. She submits that even the injury report of the informant is unavailable.

Per contra, learned counsel for the informant submits that there is direct allegation against the petitioner of opening fire which caused injuries followed by the death of informant's brother. He as such submits that minor discrepancy has to be ignored in view of the specific allegation against the petitioner which resulted into loss of innocent life.

Taking into account the facts on record and the allegation that has come against the petitioner, this Court is not inclined to extend him the privilege of bail and the same is accordingly rejected.

In view of the fact that the petitioner is in custody since 20.12.2022, the trial Court is directed to expedite the trial and conclude the same at an earliest.

(Rajiv Roy, J)

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