

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26522 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- KUDHNI District- Muzaffarpur

Abhay Pratap Singh @ Guddan S/O Sri Awadesh Kumar Singh R/O Vilage-
Pupri, P.S- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Kudhani (Turki O.P.) P.S. case No. 257 of 2022 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, on the alleged date of
occurrence the accused persons along with the petitioner armed with
came at the door of informant and thereafter they went to the door of
his brother and they started calling the name of his nephew Aniket
Kumar loudly on which his brother Sanjeet Kumar Singh came out of
the bathroom then the petitioner took out pistol from his waist and
fired on the brother of the informant due to which he sustained gun
shot injury and he died.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely been



implicated in the present case. It is further submitted that the petitioner has no criminal antecedent and he is languishing in judicial custody since 03.06.2022.

Learned APP appearing for the state and earned counsel for the informant have opposed the prayer of regular bail and submitted that from perusal of prosecution case, there is direct and specific overt act against this petitioner who fired upon the person of the deceased due to which he died. Further, the postmortem report of the deceased corroborates the prosecution case in which doctor opined that the cause of death is due to firearm weapon. It is further submitted during investigation the witness of this case supported the prosecution story.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against this petitioner, 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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