

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35760 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- ALAMGANJ District- Patna

GUDDU COREX Son of Late Md. Ikbal Resident of village - Pirbaish
Market, (Rajju Colony), P.S. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Alamganj Police Station Case No. 366 of 2022, dated 12.05.2022, disclosing offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, on the basis of the First Information Report, is that, on 11.05.2022, in the evening, the informant and his son arrived near the tea stall of one Zahid for some work and when they reached there, they found that the petitioner and one Md. Chand were quarreling with one another, the son of the informant intervened in the matter and tried to pacify the petitioner and one Md. Chand, upon which the petitioner took out pistol from his waist and fired upon the son



of the informant in his chest due to which he died.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and it is highly improbable that the deceased being 14 years of age will intervene in the fight between the petitioner and one Md. Chand. He next submits that there is a possibility that the firing done by somebody else, has hit the son of the informant.

5. Having regards to the submissions made on behalf of the parties and taking into consideration that the fact that there is a direct allegation in the First Information Report against the petitioner and the father of the deceased, who is informant as well as eye-witness of the incident, has categorically said that the petitioner has fired upon the son of the informant, accordingly, I am not inclined to grant the petitioner the privilege of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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