

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37729 of 2023

Arising Out of PS. Case No.-710 Year-2022 Thana- MANER District- Patna

Ashok Kumar @ Pandit Jee, aged about 39 years, Male, son of Birendra Prasad Singh @ Birendra Prasad, resident of Village- Tajpur, PS- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 06-09-2023 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. The petitioner seeks bail in connection with Maner PS Case No.710 of 2022 dated 03.10.2022, instituted for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the deceased was serving the participants and others during the religious programme organized on account of *Dussehra* festival. The petitioner came there and asked the deceased to have some light refreshment and they came to a shop situated about 100 feet away from the place where the religious programme was going



on. At that shop, co-accused Bikash Kumar was present from before. It is alleged that the petitioner caught hold the deceased and in the meantime co-accused Bikash Kumar fired at the deceased at his thigh and thereafter both persons fled away. The deceased was being brought to the hospital but the doctor declared him dead.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. No overt act has been alleged against the petitioner. Allegation of firing is against co-accused Bikash Kumar. The petitioner is alleged to have caught the deceased, but, as a matter of fact, neither the petitioner caught hold the deceased nor the petitioner has any concern with Bikash Kumar. The informant is not the eye witness of the occurrence. Lastly, it is submitted that the petitioner in custody since 03.11.2022 having clean antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to enlarge the petitioner on bail at this stage.

7. Accordingly, prayer of the petitioner for grant of



bail is rejected at this stage.

8. However, the Court below shall release the petitioner on bail after framing of charge in the case on the sureties to be fixed by the Court below itself.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

