

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42570 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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PRINCE KUMAR SON OF SHYAM BABU RAI RESIDENT OF VILLAGE
UJUWA PS KUSHESHWAR ASTHAN DISTRICT DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Sections 302, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

It is a case of commission of murder to the
informant's son, namely, Raushan Kumar by opening firing by
the petitioner which hit his stomach and died during course of
treatment. In the background of the alleged incident, there was
previous dispute.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. It is
submitted that in the marriage ceremony, there was celebratory



firing by the Barat party in which deceased sustained injury .
There was no intention to kill the son of the informant. The occurrence took place on 25.7.2022 whereas the FIR was lodged on 2.10.2022 after an explained delay of 57 days. As per postmortem report, doctor opined septicemia without specification of wound. Save and except suspicion, nothing has come against the petitioner during investigation. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 5.1.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned SDJM, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 343 of 2022.

(Sunil Kumar Panwar, J)

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