

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38818 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- BANGAWON District- Saharsa

PRABHAKAR KUMAR Son of Kaman Singh @ Kaman Singh Mahto @
Kaman Singh Mehta Resident of Village - Murli Basantpur, P.S. bangaon,
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with S.T.
No. 82 of 2022, arising out of Bangaon P.S. Case No. 129 of
2021 registered for the offences punishable under Sections
302/34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution, the informant's brother
namely Uday Kumar was shot by using fire-arms by this
petitioner at his chest, due to which the informant's brother
succumbed to the fire arm injury.

The main submissions advanced by the learned
counsel Ms. Rashmi Jha for the petitioner are that the
informant is not an eye-witness, he got the knowledge of the



alleged incident from one namely, Mithu Kumar and as per the re-statement of the informant one person namely, Monajir Alam was also present when the alleged occurrence took place but his statement was not recorded during the investigation and petitioner was not put on test identification parade and he has been languishing in jail since 29.10.202. Further submission is that admittedly at the time of commission of the alleged occurrence procession was going but no eye-witness from that procession was made. Further submission is that the reason behind false implication of the petitioner is that before the alleged incident the cousin brother of the petitioner filed an information petition (Annexure-2) against the deceased and informant along with his father.

Learned APP Mr. Anant Kumar 1, appearing for the State has opposed the bail prayer.

Having considered the seriousness of the occurrence which relates to murder and there is a direct and serious allegation against the petitioner and he allegedly caused fire arm injury at the chest of the deceased and during investigation one person namely, Mithu Kumar who claims to be eye-witness supported the said allegation, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer



stands rejected.

(Shailendra Singh, J)

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