

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42974 of 2022

Arising Out of PS. Case No.-485 Year-2020 Thana- MINAPUR District- Muzaffarpur

Rajesh Prasad @ Bindu Prasad Son Of Rambriksh Prasad Resident Of Village
And P.O.- Kharhar, Via- Rampur Hari, P.S. - Meenapur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 27-02-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Sections
25(1-B) a, 26, 27, 35 of the Arms Act.

The prosecution case as per F.I.R is that when
the elder brother of the informant was coming home
after closing his shop, all the F.I.R named accused
persons including the petitioner surrounded him and shot
fire at his head, as a result of which, he died on the



spot. The nephew of the deceased who was just behind the deceased has narrated the whole incidence to the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence. There is no specific accusation against the petitioner rather there is general and omnibus allegation against four persons that they shot fire at the deceased. There is no independent witness to the occurrence and except the statement of nephew of the informant namely Ritik Raushan whose presence at the place of occurrence is doubtful, there is no eye witness to the occurrence. The petitioner is languishing in custody since 28.03.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



petitioner and submitted that there is specific allegation against the petitioner that he shot fire at the deceased along with other accused persons. The nephew of the victim is the eye witness to the occurrence and in para 10 of the case diary, he has supported the prosecution case. The postmortem report also suggests that cause of death is due to fire arm. The witnesses during investigation have also supported the case of the prosecution.

Considering the facts aforesaid, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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