

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44004 of 2023

Arising Out of PS. Case No.-699 Year-2022 Thana- BARH District- Patna

SUNNY THATHERA @ SUNNY KUMAR Son of Suresh Prasad @ Suresh
Sao Resident of Village - Badhki Jamuni Chak, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 341, 323, 329, 307, 504/34 of the Indian Penal Code Section 27 of the Arms Act. Later on Section 302 IPC was added.

3. As per allegation in the FIR, due to scuffle on Deepawali night between the accused persons and the informant, two days later four accused persons including the petitioner came to the residence of the informant and demanded rangadaari of Rs. 50,000/- On showing inability to pay rangadaari, they started assaulting to the informant. With a view to save his life, he entered inside the house, which was being seen by his wife from window. Accused Vikash Kumar and the petitioner opened fire from their pistols, which hit the neck of



his wife. Munu Verma and Raushan Kumar also started firing from their pistols to create fear. Her family members took her to hospital for treatment but during treatment she died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. Informant in her restatement stated that all accused persons have opened fire upon the wife of the informant but in prosecution case, specific overt act of firing is against this petitioner and accused Vikash Kumar. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 3.11.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of firing against the petitioner and Accused Vikash Kumar. Postmortem report is in consonance with the prosecution story and doctor opined cause of death due to fire arm injury in neck. During investigation, several witnesses have supported the prosecution story.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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