

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46685 of 2023

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

MUKESH SINGH @ MUKESH KUMAR Son of Rajendra Singh Resident of
Village - Daulatpur, P.S.- Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-10-2023

1. Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Warisaliganj P.S. Case no.252 of 2018 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated by the informant that the accused persons including the petitioner herein surrounded the brother of the informant and as a result of indiscriminate firing resorted to by the petitioner, the brother of the informant died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The delay in lodging of the F.I.R. and the F.I.R. reaching the Court has not at all been explained. The informant is not an eye witness to the



occurrence. The deceased himself was a criminal and the manner of occurrence is other than what has been narrated in the F.I.R. The cause of false implication is the pending title suit between the father of the informant on one hand and the father of the petitioner on the other. The allegations are general and omnibus in nature. The petitioner is in custody since 27.1.2023 and investigation in the case has concluded.

5. The prayer for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having resorted to indiscriminate firing resulting in death of the brother of the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. specially against the petitioner of having resorted to indiscriminate firing resulting in death of the informant's brother, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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