

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49656 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Jwala Singh, Son of Rajan Singh, resident of Village Saraiya, P.S.
Bhagwanpur, District Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 14-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 190 of 2021 registered for the
offences punishable under Sections 341, 307, 504, 506, 120(B)
of the Indian Penal Code, Section 27 of the Arms Act and later
on added Section 302 of the Indian Penal Code.

As per the prosecution, the informant and the victim
were stopped by the accused persons named in the FIR when
they were on way to home. It was further alleged that this



petitioner opened fire at the victim due to which he sustained injury.

The main submissions advanced by the learned counsel Mr. Pawan Kumar Singh for the petitioner are that as per the postmortem report of the deceased the cause of death has been opined by the doctor concerned as septicemia due to long effect of wounds and in view of this opinion the petitioner's alleged act cannot be deemed to be the direct cause of death of the deceased and the alleged occurrence may come under Section 304 of the Indian Penal Code. Further submission is that the petitioner has been falsely implicated in this case due to enmity running in between him and the prosecution party and he has been languishing in jail since 22.10.2021 having fair and clean antecedent.

Learned APP Ms.Gulnar Begum, appearing for the State has opposed the bail prayer.

Having considered the seriousness of the occurrence which relates to murder and allegedly this petitioner fired at the deceased which caused bullet injury at the stomach of the deceased and there is a specific allegation against the petitioner and during investigation the material witnesses mentioned at para nos. 9, 10 and 11 of the case diary supported the said



allegation, in the opinion of this court the petitioner does not
deserve to the privilege of bail. Accordingly, his bail prayer
stands rejected.

(Shailendra Singh, J)

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