

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52217 of 2023

Arising Out of PS. Case No.-236 Year-2020 Thana- MANIHARI District- Katihar

Md. Kabir S/o Jainuddin Resident of Village-Narayanpur Gopichak, P.S.-
Manihari, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.02.2023 in connection with Manihari P.S. Case No. 236 of 2020, F.I.R. dated 04.08.2020 for the offences punishable under Sections 324, 326, 447, 307, 302/34 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along with other co-accused persons are alleged to have fired 4-5 bullets from a country-made pistol upon the brother of the informant, due to which, the brother of the informant died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the



F.I.R., is false and fabricated. He further submits that from the bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner rather there is general and omnibus against all the accused persons including the petitioner that they all have started firing upon the brother of the informant. He further submits that co-accused namely Bishwajeet Singh @ Vishwajit Kumar@ Vishwajit Kumar Singh, who is also alleged to have fired upon the deceased, has been granted bail by the co-ordinate Bench of this Court vide order dated 24.01.2023 in Cr. Misc. No. 60975 of 2022. He further submits that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 14.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he along with other co-accused persons have fired upon the brother of the informant and the bail application of the co-accused person namely Jichhu @ Ahmad was rejected by the co-ordinate Bench of this Court vide order dated 28.04.2021 in Cr. Misc. No. 40753 of 2020 and bail application of other co-accused person namely Bikki Singh @ Vikki Singh @ Vikash



Singh was rejected by the co-ordinate Bench of this Court vide order dated 23.11.2022 in Cr. Misc. No. 50100 of 2022, bail application of co-accused namely Vikram Kumar Singh @ Bikram Kumar Singh has been rejected vide order dated 05.07.2022 passed in Cr.Misc. No. 62409/2021.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Manihari P.S. Case No. 236 of 2020, pending in the Court of learned Additional District & Sessions Judge – Vth, Katihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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