

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62435 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- ANGARGHAT District- Samastipur

RAHUL KUMAR S/O MANOJ KUMAR RAI @ MANOJ RAY R/O
VILLAGE- CHAITA UTTARI, P.S- ANGARGHAT, DISTT.-
SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, the informant alleged that during marriage ceremony the petitioner was loading cartridges in a pistols and co-accused namely, Kundan Kumar, was firing in the meantime co-accused fired upon the head of the informant's brother due to which he sustained injuries and died on the spot and all the occurrence was seen in the CCTV footage after death of the informant's brother.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to dirty village politics. There is no specific allegation of firing levelled against the petitioner rather the specific allegation of firing levelled against co-accused. It is further submitted that nothing incriminating article has been recovered from the conscious possession of the petitioner. As per Post-mortem Report, one entry wound was found on the body of the informant's brother. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.05.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner is named in the FIR and during course of the marriage ceremony he was loading the pistol which is mentioned at Para-71 of the Case Diary.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be released on bail in connection with Angarghat P.S. Case No. 50 of 2023 on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Class, Dalsinghsarai, Samastipur.

(Sunil Kumar Panwar, J)

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