

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65830 of 2023

Arising Out of PS. Case No.-607 Year-2022 Thana- ARA NAWADA District- Bhojpur

GOLU KUMAR S/O LATE VERMA YADAV R/O VILLAGE- CHHOTAKI
SANNADIYA, P.S- ARA MUFASSIL, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Tiwary, Adv. Mr. Ashok Kumar, Adv. Mr. Mukesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Mr. N.A. Shamsi, Adv. Mr. Nawal Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel appearing for the informant.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Ara Nawada P.S. Case No. 607 of 2022 under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court, by an order dated 7.2.2023, passed in Criminal Miscellaneous No. 60755 of 2022.

3. The case of the prosecution in brief, according to the informant, is that his elder son namely Hari Shanker Premi runs



an electronic shop from the house itself and his shop is situated on the ground floor. It is further alleged that like any other day, his son had opened his shop and was working there on 19.07.2022 and the informant who stays on the first floor with his wife, had come to the ground floor at about 11.30 am. when he heard the sound of gun shot firing and saw one person holding a pistol in his hand and firing gun shots towards the shop of his son, whereupon the informant is stated to have raised an alarm and had quickly gone towards his son, where he saw that his son was smeared with blood and had been hit by gun shots on the left side below the ear as also near the shoulder. The informant has also alleged that the miscreants who had fired gun shots on his son, had fled away, however, he can recognize them. The informant had then taken his son to the hospital with the help of neighbours but he was declared dead. It has also been stated in the fardbeyan by the informant that he had some dispute from before with Abhishek Singh and Bharat Rai on account of financial issues and the son of the informant had filed a police case with regard to the same, whereafter they were being threatened to withdraw the case and even 4-5 days back, his son was threatened by them to withdraw the case, failing which, they would shoot him, hence, it is alleged that the F.I.R.



named accused persons had conspired and killed the son of the informant.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 9.8.2022 and the case is still pending before the learned Chief Judicial Magistrate, Bhojpur at Ara, for commitment.

5. *Per contra*, the learned APP for the State has though vehemently opposed the prayer for bail, but has pointed out, by referring to the earlier order of this Court dated 7.2.2023 that in view of the assertion made by the informant that he can recognize the person, who had fired gunshot on his son, a Test Identification Parade was carried out wherein the informant had identified the petitioner and one another person, namely, Raju Kumar, to be the perpetrators of crime, hence, it is submitted that there is no iota of doubt that prima facie, the petitioner is having complicity in the matter, thus, no sympathy should be shown to the petitioner.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner



for grant of bail, thus I do not find any merit in the present petition,
hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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