

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64717 of 2023

Arising Out of PS. Case No.-347 Year-2023 Thana- SAHPUR District- Patna

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Budhan Rai Son Of Late Ram Babu Rai Resident Of Village- Ganghara
(Futani Bazar), Ps- Shahpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 347 of 2023 dated 20.05.2023, lodged
under Sections 307, 302, 34 of the I.P.C. read with Section 25(9)
of the Arms Amendment Act, 2019.

4. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the present
petitioner against whom the allegation is of firing in the
marriage, in result the informant's daughter died, on the basis of
which the F.I.R. has been lodged under Section 307, 302, 34 of
the I.P.C.

5. Learned counsel for the petitioner submits that from the contents of the F.I.R., it is clear that the said firing is basically “*harsh firing*” which is without any intention and at worse, it is a case which shall not be treated as murder rather culpable homicide not amounting to murder.

6. Learned counsel for the petitioner further submits that the petitioner is in custody since 21.05.2023 in which charge-sheet has already been filed. Counsel further submits that there is one criminal antecedent of the petitioner.

7. Learned counsel for the State opposes the prayer for bail and submits that in the said firing, seven years old daughter of the informant has died.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and, therefore, his bail petition is hereby rejected.

9. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail, two months after framing of charge.

10. With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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