

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68971 of 2023

Arising Out of PS. Case No.-481 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MUKESH KUMAR @ MUKESH SAH son of Late Jai Mangal Sah, Resident
of Village- Bishunpur Gidha P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mani Bhushan Kumar, Advocate
For the State	:	Ms. Pushpa Sinha1, APP
For the Informant	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sadar P.S. Case no.481 of 2023 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that while she along with others were seated and talking to each other, unknown accused persons were standing near the shop. Soon there was sound of firing. On reaching the place from where the sound of firing came, she found her husband to have fallen having sustained gunshot injuries. It transpired that while her husband was there, an accused having a good built came towards him on which her husband tried to flee but was shot. He



fell down injured and thereafter another accused Arvind Rai resorted to indiscriminate firing shooting her husband a number of times on his head, neck etc. Thereafter the accused escaped on a pulsar motorcycle. On being taken to the hospital, her husband was declared dead.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Accepting the allegations for the sake of argument, the petitioner is not said to be the assailant of the deceased. He is in custody since 24.5.2023 and in fact, was elsewhere and not even at the place of occurrence on the date and time of occurrence. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is not only named in the F.I.R. but in course of investigation, it transpired that the petitioner was seen doing recce and acting as a liner. It was he who facilitated carrying out of the occurrence by the other accused persons who resorted to indiscriminate firing leading to the death of informant's husband.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. and the material that has transpired in course of investigation, the Court



is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Taking into account that the petitioner is not alleged to be the assailant of the deceased, liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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