

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70018 of 2022

Arising Out of PS. Case No.-27 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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Pappu Kishwaha @ Pappu Kumar Kushwaha Son of Vijay Kumar Kushwaha
R/O Vill.- Niranjana, P.S.- Yadavpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad Singh, Advocate
		Mr. Saurabh Kumar, Advocate
		Mr. Adesh Raj Singh, Advocate
		Mr. Harshit Modi, Advocate
For the Opposite Party/s :		Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bishwambharpur P.S. Case No. 27 of 2020 registered for the
offence under Sections 342, 302 and 34 of the Indian Penal
Code (for short 'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.10.2020.

The allegation against the petitioner is to commit
murder of the husband of the informant alongwith other co-



accused persons by causing firearm injuries while he was returning from market alongwith informant/wife.

Learned counsel appearing on behalf of the petitioner submitted that the allegation of firing is appearing very much general and omnibus from the face of F.I.R., as it is also available against main co-accused person, namely, Manish Kumar, who alleged to be equipped with prohibited arm i.e., Carbine. It is also submitted that implication of petitioner is available due to his previous criminal antecedents, as he found involved in 8 cases, where petitioner has already acquitted after trial in 6 cases. It is also submitted that father of this petitioner has also been made accused in this case out of neighbourhood disputes and differences. While concluding the argument it has been submitted that charge has already framed in this case but since last more than 2 years, not even a single witness examined in this case and, as such, it can be said safely that trial is not likely to conclude in near future.

Learned APP, while opposing the prayer of bail submitted that allegation of firing is available against this petitioner.

Considering the facts and circumstances as mentioned above, as allegation of firing is not appearing specific against



this petitioner, who is in custody since 20.10.2020, let the petitioner, above named, is directed to be released on bail in connection with Bishwambharpur P.S. Case No. 27 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-X, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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