

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1191 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

UTTAM MISHRA @ DEEPAK MISHRA Son of Vikash Mishra R/V-
Basgarha, P.s- Kotwali, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kotwali
(Vasudeopur) P.S. Case No. 02 of 2022 dated 01.01.2022
registered for the offence under Sections 302/34 of the Indian
Penal Code.

The petitioner along with others F.I.R. named accused
persons alleged to have opened fire upon the husband of the
informant which hit near the ear of the deceased.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that according to the F.I.R., the
petitioner opened fire upon the husband of the informant causing
bullet injury near the ear of the deceased and other two accused
persons have also fired upon the deceased. He further submits



that the allegation of firing is attributed to the three accused including the petitioner but it is not specific that as to whom firing the deceased sustained deadly injury and died. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and there is no allegation of tampering with the evidences against the petitioner. The petitioner is rotting in judicial custody since 13.07.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is specific/ direct allegation of firing upon the deceased against the petitioner causing him deadly injury. He further submits that postmortem report suggests that the deceased has got two bullet injuries which is sufficient to prove the prosecution version as alleged in the F.I.R.

Considering the facts and circumstances of the case and the direct allegation of firing against the petitioner resulting into death of the husband of the informant, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is, hereby, rejected.

(Rajesh Kumar Verma, J)

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