

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9961 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- KOTWALI District- Munger

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Anurag Kumar @ Sajo Son of Sri Munchun Yadav R/o At Choukhandi, P.S. -
Kotwali (Basudeopur O.P.), Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Priyadarshi Matri Sharan
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay
For the Informant	:	Mr. K.N. Sahay

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner who is in custody seeks bail in

connection with Kotwali P.S. Case No. 349 of 2023 registered

for the offence punishable under Sections 302/326/307/120B/34

of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along

with some accused persons have indiscriminately fired upon the

father and brother of the informant. Both the father and the

brother of the informant received gun shot injury, as a result of

which, the informant's father died on spot.

4. It has been submitted by learned counsel for the

petitioner that though all the accused persons are said to have

participated in the indiscriminate firing in which one person has

been injured and another person has been killed but

subsequently, during investigation witnesses have given specific



role to some co-accused Raja Kumar, Santosh Kumar Sharma and Mukesh Kumar, therefore, he deserves bail.

5. Learned counsel for the informant has submitted that in the F.I.R. itself, there is allegation of indiscriminate firing and it is not possible for the witnesses to assign particular role on particular accused when six persons are said to have fired indiscriminately. The firing details which have been argued by the learned counsel for the petitioner can be considered by the trial judge and not this Court. Moreover, the petitioner is being prosecuted with the aid of Section 34/120 of the Indian Penal Code.

6. This Court has earlier rejected the bail application of the co-accused Karan Kumar, Sonu Kumar, Mukesh Kumar and Santosh Kumar vide order dated 03.05.2024 passed in Cr. Misc. No. 407 of 2024 and this does find any distinction between the cases of the petitioner.

7. The petitioner is said to have fired at the deceased and the brother of the informant. The petitioner is in jail since 23.08.2023.

8. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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