

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14300 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Md. Dulare @ Sahil Son of Md. Afroj R/o Village- Harpur alloth, P.S.-
Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shanker Singh, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Musrigharari P.S. Case no.183 of 2023 registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that his only son had gone to see the arrangement for the *baratis* to stay when the informant heard a gunshot. Soon thereafter he saw the petitioner along with others with his son who had a gunshot injury in his head. His son was taken to the hospital for treatment from where he was referred to the DMCH. The informant states that he is convinced that the accused persons



including the petitioner herein as a result of previous enmity have shot him causing serious injuries. The F.I.R. was registered under sections 307 and 34 of the Indian Penal Code and on the son of the informant having died, section 302 of the Indian Penal Code was added.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The informant is not an eye witness to the occurrence and there is no enmity between the parties as has been made out in the F.I.R. It may have been a case of accidental celebratory firing in which the petitioner was not involved. The petitioner is in custody since 16.11.2023.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that soon after the occurrence, the petitioner was caught with the injured son of the informant and on being confronted, his confession led to the weapon being recovered.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. against the petitioner together with the petitioner having remained in custody since 16.11.2023, the Court is not inclined to enlarge



the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his
prayer for bail after six months.

(Partha Sarthy, J)

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