

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13805 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- MARANCHI District- Patna

CHHOTU KUMAR @ VIKASH KUMAR @ GHUTAR @ GHUTIYA S/O
JHAPO SINGH NISHAD R/O VILLAGE- PURANI KASAH DIARA, P.S-
MARANCHI, DISTT.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2024 Heard the parties.

2. The petitioner is in custody in connection with Maranchi P.S. Case No. 83 of 2023 for the offence punishable under sections 302, 386 and 34 of the Indian Penal Code and section 27 of Arms Act lodged on 01.07.2023 by the informant, Bharat Nishad.

3. As per the prosecution story, the informant alleged that on 30.06.2023, his son went with Jairam, Bechan, Laxman and Arun Mahto for fishing. It is alleged that the accused persons came there and for fishing, there had a scuffle with his son and others, the specific allegation against this petitioner is of opening fire which immediately led to the death of informant's son. The other accused also opened fire, this was



informed by one of his friend which followed the FIR.

4. Learned counsel for the petitioner submits that the injury belies the allegation made in the FIR, the informant is not the eye witness and in that backdrop, he is entitled for bail.

5. Learned APP opposes the prayer for bail stating that there is direct allegation against the petitioner in the FIR and he has also got criminal antecedent and in that backdrop, he being the main assailant, the relief cannot be extended.

6. Taking into account the submission of the parties as also the fact that in the FIR, allegation against this petitioner is of opening fire which hit the deceased, a bullet injury has been found in the post-mortem report and the petitioner has criminal antecedent, this Court is not inclined to extend him the privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

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