

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16975 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Gurucharan Chaudhary Son of Lalkushun Chaudhary Resident of Village-
Akodhi, P.S.- Ramgadh, Dist.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Adv.
For the informant	:	Mr. Santosh Kumar, Adv.
		Mr. Tribhuwan Narayan, Adv.
		Mr. Jitendra Kumar George, Adv.
For the Opposite Party/s :		Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-07-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ramgarh P.S. Case No. 208 of 2023 dated 18.06.2023 registered for the offences punishable u/s 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Section 307 is converted into Section 302.

3. As per the prosecution case, when the informant was on his way to home on his motorcycle then the petitioner and two unknown miscreants riding a motorcycle overtook him. The petitioner fired two rounds which hit the informant and thereafter in course of treatment, the informant succumbed to his injuries.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the petitioner is contesting for Mukhiya Election and due to political rivalry, the petitioner has been implicated in the present case. It is further submitted that the petitioner is the patient of AIDS and his co-villagers and neighbours have pressurized him and his family members to leave the village otherwise they would face grave consequence and the present case has been lodged to implicate the petitioner in the alleged offence. The charge-sheet has been submitted against the petitioner. The petitioner has no concern with the alleged offence. The petitioner has five criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 31.08.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioner and submitted that it is a serious case of murder by causing gun shot injury to the informant in broad day light and the petitioner is named with specific allegation of causing fire arm injury leading death of the informant. The deceased in his statement in para 6, 7 and 8 of the case diary, the deceased disclosed the name of the petitioner as the person who caused gun shot injury to him while the post-mortem report reveals that three gun shot injuries, two



wounds of entrance and one wound of exit has been found and one bullet has been recovered from the body of the deceased and as opined by the doctor, the death of the deceased is the result of haemorrhagic shock due to fire arm injury. Learned counsel has further submitted that as per the impugned order dated 18.01.2024, the petitioner has not raised the point regarding his AIDS ailment.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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