

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23925 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- SAUR BAZAR District- Saharsa

Pintu Kumar Son Of Late Vinay Kumar @ Late Vinay Prasad Yadav Resident
Of Village- Morkahi, Ward No. 03, Ps- Sourbazar (PASTPAR Op) Distt-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sourbazar P.S. case No.
404 of 2023 instituted for the offences under Sections 302, 506,
34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner fired on the chest of informant
due to which he sustained gun shot injuries and whereafter
succumbed to the injuries in course of treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. General and omnibus allegation has been made
against the petitioner. No specific overt is alleged against the



petitioner. Specific allegation of assault is attributed against co-accused Sintu Kumar. There is no eye witness to the alleged occurrence. The post-mortem report also shows that there is only one gun shot injury to the deceased. The petitioner is in custody since 31.07.2023 and has no criminal antecedent as has been stated in paragraph No. 3 of the application. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 04.03.2024 passed in Cr. Misc. No. 13152 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sourbazar P.S. case No. 404 of 2023.

(Rudra Prakash Mishra, J)

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