

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26260 of 2024

Arising Out of PS. Case No.-142 Year-2021 Thana- RUPAULI District- Purnia

Md. Kaushar S/o- Late Fuchan @ Backu R/o Vill- Bela Prasadi, P.S.-
Rupouli, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 20-07-2024 Heard learned advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Ropouli P.S. Case No. 142 of 2021, registered for the
offences punishable under Sections 447, 147, 148, 149, 302,
307, 504, 506 of the Indian Penal Code.

3. It is alleged that while the informant along with his
wife had gone to her agriculture land, in the meantime all the
accused persons by forming an unlawful assembly armed with
deadly weapon surrounded them. The allegation against the
petitioner is of causing fire on the chest of the informants'
brother resulting into his death.

4. Learned advocate appearing on behalf of the
petitioner submitted that in fact the informant side was
aggressor and they have brutally assaulted the persons of the



informants side due to which they sustained serious injuries and referred to Sadar Hospital for better treatment leading to a counter case bearing Ropouli P.S. Case No.143 of 2021. In the aforementioned incidence, apart from injury sustained to two female members, one of the injured subsequently died during the course of the treatment. It is also the contention of the petitioner that there is a long standing land dispute and as such false implication of the petitioner cannot be ruled out. There is contradiction in the statement of the witnesses and as such keeping the petitioner behind the bar would be unjustified.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is the person who caused fatal blow.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of acquisition of causing firearm injury which proved fatal, this Court is not persuaded to allow the petitioner on bail. Accordingly, the present application for bail stands rejected. It is expected that the learned trial court shall take own efforts to expedite the trial.

(Harish Kumar, J)

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