

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38570 of 2024

Arising Out of PS. Case No.-547 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Awadhesh Kumar @ Awadhesh Rai Son Of Rama Rai Resident Of Village -
Madhopur Hazari, P.S. - Sahebganj, District - Muzaffarpur (BIHAR)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Arun Kumar, Advocate
For the Opposite Party/s :	Mr.Mohammad Sufyan, A.P.P.
	Mr. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner, the State and the informant.

2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, on 22.11.2022 at about 5:30 PM the petitioner along with Saheb Kumar and Rooplal Rai came to the house of the informant and requested informant's husband to come with them. After some time, when he did not return, the informant, her brother-in-law and father-in-law started searching him and on reaching near the Dam, they saw that Roop Lal and Saheb Kumar were holding the deceased and Sanoj Kumar and the petitioner fired a bullet on the deceased.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to previous enmity and village politics. As a matter of fact, informant is not the eye witness of the occurrence. Moreover, allegation of firing is general and



omnibus against the petitioner and co-accused Sanoj Kumar. Petitioner claims clean antecedent. He is in custody since 10.1.2024. Co-accused, with similar allegation, have already been allowed bail by this Court vide paragraph 14 of the bail petition.

5. Learned counsel for the State and the informant oppose the prayer for bail. Learned counsel for the informant submits that the petitioner is named in the FIR with specific allegation that he and other accused persons took away husband of the deceased towards the dam. It has been alleged that, thereafter, petitioner and co-accused Sanoj Kumar fired shot on him causing his death. Several witnesses, during course of investigation, have supported the prosecution case. Post mortem report opines that deceased died due to gun shot injury.

6. Considering the fact that the petitioner is alleged to be one of the two assailants of the deceased, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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