

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32739 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- RAJPUR District- Buxar

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Akhilesh Ram Son of Mr. Ramashish Ram @ Ram Ashish Ram Resident of
Village- Devadhiya, P.S.-Rajpur, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 363 of 2023 arising out of Rajpur P.S. Case No. 263 of 2023 dated 30.06.2023, lodged under Sections 147, 149, 302, 307, 120(B), 504 and 506 of the I.P.C. read with Section 27 of the Arms Act in which subsequently Sections 25(1-b)a, 26 and 35 of the Arms Act were also added.

3. As per the prosecution case, the F.I.R. has been lodged against eight named accused persons including the present petitioner. The specific allegation against the present petitioner as per the F.I.R. is that he has made gun-shot by pistol on the chest of the informant's husband and also on his left palm.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that it is true that from reading of the F.I.R., there is direct allegation against the petitioner but from the contents of the F.I.R., it is clear that the said occurrence has caused on 29.06.2023 at about 22:45 P.M. whereas, the *fardbeyan* has been written on 13.06.2023 at about 17:30 P.M. He further submits that not only that the said F.I.R. has forwarded before the Court on 05.07.2023. He raised apprehension that the post-mortem, investigation everything was started prior to lodging of the F.I.R. , *i.e.* 03.06.2023 and it is the second F.I.R. and only due to this reason, the F.I.R. has been forwarded before the Magistrate with such delay. He further submits that the last three paragraphs of the F.I.R. clearly indicates that informant is not the eye witness, as it has been alleged by the informant herself that this occurrence has been caused with the help of others. Meaning thereby, this occurrence has not been made by the present accused persons.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that case diary may be called for.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific

allegation against the present accused person that he has fired by pistol on the chest of the informant’s husband due to which he died. He further submits that whatever be the point raised by the learned senior counsel for the petitioner is basically the points of merit at the time of trial only.

7. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and therefore, his bail petition is hereby rejected.

8. With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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