

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36024 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- DULHIN BAZAR District- Patna

SHUBASH KUMAR @ SUBHASH KUMAR S/O LATE ABHIRAM
SINGH R/O Sabajpura, P.S.-Dulhin Bazar, Dist-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 23-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 147, 148, 149, 341, 323, 307, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, 13 accused persons including the petitioner laced with weapons, came to the house of informant and started to assault her husband, namely Prahlad Singh. On hearing noise, his son, namely, Samar Pratap came there to save his father. It is further alleged that petitioner and two others opened fire, which hit to the informant's husband and Ankur Kumar. Husband of



the informant died due to gunshot and Ankur Kumar received gunshot injuries.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to election dispute. For the sake of argument, occurrence took place at the middle of the village but none has come forward to support the prosecution case. Allegedly, three miscreants have opened fire but as per postmortem report, four entry wounds were found on the body of the deceased. Petitioner is languishing in judicial custody since 13.11.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of firing against the petitioner in the FIR as a result of which deceased succumbed to gun-shot injuries. Postmortem report also shows cause of death due to fire arm injuries and the same corroborates the prosecution story. During investigation, several witnesses have supported the prosecution story.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not



inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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