

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47330 of 2024

rising Out of PS. Case No.-838 Year-2023 Thana- AMARPUR District- Banka

=====

SURAJ KUMAR SON OF BIJENDRA PRASAD MANDAL RESIDENT OF
MANJHGAIN, P.S. - SAMBHUGANJ, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

For the Informant : Mr. Dhananjay Kumar Pandey, Advocate

=====

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

ORAL ORDER

5 03-12-2024 Heard learned counsel for the petitioner, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioner seeks bail in connection with
Amarpur P.S. Case No. 838 of 2023 instituted for the offences
under Sections 302 of the Indian Penal Code and 27 of the Arms
Act.

3. Allegation against the petitioner is of firing upon the
deceased due to which he died.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case due to
family dispute. No incriminating article or firearm has been
recovered from the conscious possession of the petitioner and
also there is no eye-witness to the occurrence. It has been



submitted on behalf of the petitioner that the petitioner is in custody since 14.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submitted that several prosecution witnesses have supported the case of the prosecution. Learned APP further submitted that post-mortem report also corroborates the case of the prosecution. Learned counsel jointly submitted that there is direct allegation of firing upon the deceased against this petitioner, therefore, he does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case and also there being specific allegation of firing upon the deceased which is further supported by the post-mortem report, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer of the petitioner for grant of bail is rejected.

8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

