

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50199 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- SAUR BAZAR District- Saharsa

Sintu Kumar @ Saltu Kumar Son of Late Vinay Prasad Yadav @ Late Vinay Kumar R/O Vill.- Morkahi Ward No 03, P.s.- Sourbazar, Pastpar O.P., Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sourbazar P.S. Case No. 404 of 2023 instituted for the offence under Sections 302, 506, 34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. The accusation against the accused persons including the present petitioner is of firing on the chest of the Informant due to which he sustained grievous gun-shot injury. Thereafter, he was taken to Medical College, Madhepura for treatment where in course of treatment, he died.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 16-03-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner and informant are co-villager and both know each other. Learned counsel next submits that from perusal of the impugned order, it appears that the deceased was having love affair with the sister of the petitioner and there is previous enmity between the parties. It is submitted that from the FIR itself, it manifests that informant is not the eye-witness in the alleged occurrence, but informant has specifically alleged that petitioner shot fire to his son on his chest and head. It is lastly submitted that co-accused have been granted bail *vide* orders dated 04-03-2024 & 20-03-2024 passed in Cr. Misc. No. 13152 of 2024 & Cr. Misc. No. 23925 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is direct allegation against the petitioner of firing, which fact is corroborated by the statement of the prosecution witnesses mentioned at paragraph Nos. 110 & 111. It is next submitted that postmortem report also corroborate the allegation levelled against the petitioner.



7. Considering the aforesaid facts and circumstances of the case, taking into account the fact that there is direct allegation of firing against the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, prayer is *rejected*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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