

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52566 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rupesh Kumar, Son of Chandra Dev Yadav, R/V- Ward No. 4, Kailashpur,
P.S.- Muffasil (Singhaul O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

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

Mr. Sabal Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 06-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil (Singhaul O.P.) P.S. Case no. 492 of 2023 registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated that over a trivial dispute, on the orders of Chandradev Yadav, his wife got three pistols and handed it over to their sons which included the petitioner herein. As a result of indiscriminate firing by the accused persons including the petitioner herein, it is stated that



two persons were injured and one person died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. Similarly situated co-accused Chandradev Yadav and Bibha Devi have been enlarged on bail vide order dated 19.3.2024 passed in Cr. Misc. no. 85967 of 2023. Inspite of the occurrence having taken place on 7:30 p.m. ie after dark, the informant has nowhere stated about the source of light. The petitioner is in custody since 26.8.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the allegations against the petitioner in the F.I.R are substantiated from the injury report. The bail of co-accused Ankesh Kumar has been rejected vide order dated 10.5.2024 passed in Cr. Misc. no. 23053 of 2024.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein he is said to have fired upon the cousin brother of the informant namely Sanjeev Yadav as a result of which the injured sustained gunshot injury in his mouth, the allegations being substantiated from the contents of the injury report



brought on record as annexure to the petition, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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