

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70492 of 2023

Arising Out of PS. Case No.-81 Year-2017 Thana- HATHIDAH District- Patna

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Amit Kumar S/O Tuntun Singh @ Upendra Prasad Singh Resident of Village-
Aunta, P.S.-Hathidah, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Sameer, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

ORAL ORDER

8 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. This is the fourth attempt of the petitioner for bail. For the first time, the petitioner moved before this Court in Cr. Misc. No. 61504 of 2018 which was rejected vide order dated 02.11.2018. Again the petitioner filed Cr. Misc. No. 58764 of 2019 which was again rejected vide order dated 06.11.2019 and thereafter, the petitioner filed Cr. Misc. No. 25525 of 2021 which was rejected vide order dated 29.09.2021.

3. The petitioner seeks bail in connection with S.T. No. 407 of 2018 arising out of Hathidah P.S. Case No. 81 of 2017 instituted for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.



4. The allegation against the accused petitioner is of firing upon the father of the Informant on his chest due to which he died on way to hospital.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the postmortem report shows no injury on the chest of the deceased. The Informant has also sustained fire-arm injury on his elbow at the hands of co-accused Karu Singh but, no injury by fire-arm has been found by the doctor. From the FIR, it appears that the firing upon the deceased has been made from close range but, no blackening was found around the wound of entry which falsifies the prosecution case. Thus, it is a case of no eye-witness of the alleged occurrence. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 05.01.2018 and the charge-sheet after investigation has been submitted under Section 302, 34 of the I.P.C. and Section 27 of the Arms Act against the petitioner. The cognizance has also been taken and the case has been committed.

6. On the other hand, the learned A.P.P. for the State



has vehemently opposed the prayer for grant of bail to the petitioner, stating that this is the fourth attempt of the petitioner for bail without there being any fresh ground for bail. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

7. Pursuant to the order of this Court, the court below has sent its report dated 08.04.2024. From perusal of the report, it appears that the case was fixed for argument on 15.04.2024.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report sent by the Trial court, this Court is not inclined to grant bail to the petitioner at this stage.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to conclude the argument immediately without any undue delay.

(Rudra Prakash Mishra, J)

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