

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65936 of 2023

Arising Out of PS. Case No.-70 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Mantu Bind Son Of Mukund Bind @ Balmukund Bind Resident Of Village -
Orgai, P.S. - Bhagwanpur, District - Kaimur At Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 70 of 2021 dated 07.04.2021, lodged
under Sections 147, 148, 149, 447, 448, 323 and 307 of the
I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against seven named accused persons including the
present petitioner, against whom there is an allegation that he
had fired on son of the informant by *katta*, due to which he
injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits

that it has been stated in the F.I.R. that gun shot has been made, due to which bleeding started but this has been alleged only due to the reason that there is previous enmity between the petitioner's side and the informant's side. He further submits that antecedent of the petitioner is clean and he is in custody since 01.06.2023 in which charge-sheet has already been filed.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that in paragraph 17 of the rejection order, it has been stated that gun shot has been made in the chest of the informant's son which is vital part of the body.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner has not come before this Court with clean hand, as in the F.I.R. itself, it has been alleged that the accused persons have killed the brother of the informant previous year but petitioner has disclosed that his antecedent is clean. The informant is providing Bhagwanpur P.S. Case No. 35 of 2020 relating to death of his brother.

7. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and, therefore, his bail petition is hereby rejected.

8. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail six months after framing of charge.

(Dr. Anshuman, J.)

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