

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73809 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- MUNGER MUFFASIL District- Munger

1. Navin Kumar @ Chotu, aged about 26 years, Male, Son of Rajeev Yadav.
2. Pravin Kumar @ Kanhaiya, aged about 24 years, Male Son of Rajeev Yadav.
Both residents of Village- Bank, P.S.- Mufassil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Mufassil PS Case No. 189 of 2023 instituted for the offences punishable under Sections 147, 148, 149, 324, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation against petitioner no. 1 namely, Navin Kumar @ Chotu is that he assaulted with sword as well as lathi and petitioner no. 2, Pravin Kumar @ Kanhaiya fired shot from a country made 'Katta'.



4. Learned counsel for the petitioners submits that the petitioners are innocent have committed no offence and have falsely been implicated in this case. From perusal of the FIR, seizure list, case diary, postmortem report and impugned order of the learned Sessions Judge, Munger dated 14.09.2023, it appears that there is specific allegation against petitioner no. 2, Pravin Kumar @ Kanhaiya that he fired shot from a country made 'Katta' and the allegation against petitioner no. 1 is that he has assaulted with sword. On perusal of the postmortem report, it appears that the deceased died due to shock and haemorrhage and injury to vital organ i.e., heart and lungs. Petitioners are in custody since 03.06.2023 and 04.06.2023 respectively.

5. Learned APP opposes the prayer for bail.

6. In view of the aforesaid facts, this is a fit case for grant of regular bail of petitioner no. 1, namely Navin Kumar @ Chotu. Accordingly, let the petitioner no. 1, namely Navin Kumar @ Chotu be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Munger in connection with Mufassil PS Case No. 189 of 2023.

7. So far as petitioner no. 2, namely Pravin Kumar @ Kanhaiya is concerned, there is direct allegation of firing shot



with katta upon the deceased, hence, prayer for regular bail of petitioner no. 2, namely, Pravin Kumar @ Kanhaiya is hereby rejected.

8. Accordingly, this application stands disposed of.

(Ramesh Chand Malviya, J)

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