

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76576 of 2023

Arising Out of PS. Case No.-708 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Atul Patel Son of Amarendra Patel @ Amarendra Singh R/V - Jaddupur, P.S.-
Sonhan (Bhabua), Distt.- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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

ORAL ORDER

7 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bhabua P.S. Case No. 708 of 2023 instituted for the offences
under Sections 302 of the Indian Penal Code and Section 27 of
the Arms Act.

3. The allegation against the petitioner is of being
involved in committing murder of the deceased.

4. 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. The petitioner is not named in the F.I.R. and his
name has surfaced in this case in course of investigation. He



further submits that the occurrence occurred was not intentional rather it was an accidental one. There was no previous enmity between both the parties. He has also submitted that when the mother of the deceased reached at the place of occurrence, the deceased was in the lap of the petitioner and the petitioner had ample opportunity to flee away from there but, was standing before the deceased to reach to the hospital. The petitioner was the close friend of the deceased. Nothing incriminating has been recovered from the conscious/physical possession of the petitioner rather the same was found from the field. There is no eye-witness to the alleged occurrence. There is no specific and direct allegation of firing against the petitioner rather the same is general and omnibus in nature. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 01.08.2023.

5. 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 the allegation made against the petitioner is serious in nature. He further states that the firearms used in the alleged occurrence has been recovered at the disclosure statement of the petitioner. The postmortem report also supports



the prosecution case and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the nature of offence which is serious, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below expedite the trial and conclude the same as early as possible.

(Rudra Prakash Mishra, J)

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