

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85130 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- RUPASPUR District- Patna

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ABHYANAND SINHA @ SUMAN SON OF LATE RAMANUGRAH
SINGH RESIDENT OF VIJAY NAGAR, ROAD NO.06, P.S. - RUPASPUR,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rupaspur P.S. Case no. 310 of 2023 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that as a result of firing by the petitioner with his revolver, his father sustained gunshot injury and died.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The deceased happens to be the own *samadhi* of the petitioner. From perusal of the material that has transpired in course of investigation it would be evident that the informant is



not an eye witnesses to the occurrence. Further referring to the material that has transpired in course of investigation it is submitted that it was the deceased who was continuously following the petitioner and not the other way round, and the deceased had started scuffling with him. The alleged CCTV footage have not been verified nor the requirement of section 65B of the Evidence Act complied with. The petitioner is in custody since 4.5.2023 and chargesheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is the assailant of the deceased. He undertakes to produce the witnesses in course of the trial.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner of having fired on the father of the informant leading to his death, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned Trial Court is directed to expedite the trial.

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(Partha Sarthy, J)

