

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80193 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Lalu Kumar, Son of Sikandar Tanti, Resident of Village - Nawada, P.S. -
Sultanganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 17-03-2025 Due to inadvertence, the Order no. of the order dated
18.01.2025 was created as Order no. 4 instead of Order no. 3.

2. Let the same be read as Order No. 3.

3. Heard learned counsel for the petitioner and Mr.
Murli Dhar, learned APP for the State.

4. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 326, 307,
34 of the Indian Penal Code and under Sections 25(1-B)(a), 26,
27 of the Arms Act.

5. The case of the prosecution is based on self
statement of Sanjay Kumar Mandal, A.S.I. of Sultanganj Police.
He received information that firing is made in village Nawada at
10:10 A.M. He reached at 10:50 A.M. in village Nawada where
villagers told him that the petitioner had some dispute with



Ritesh and the petitioner fired at Ritesh. Ritesh received gunshot injury in his stomach. He was rushed to the hospital. Lalu (petitioner) and Dilkhush were apprehended by the local persons and were being assaulted. From the possession of Lalu Kumar five live cartridges and a magazine were recovered. Ritesh Kumar died during treatment and Section 302 was also added in this case.

6. Learned counsel for the petitioner has submitted that from the perusal of the FIR itself it is clear that the informant is not the eye-witness rather he has stated that the villagers told him regarding the occurrence but the name of these villagers are not disclosed in the FIR nor in the investigation. The petitioner is having clean antecedent and he is in custody since 02.06.2024.

7. The application for bail is opposed by learned APP for the State. In this case the brothers of the deceased have given their statements and they have stated that this petitioner has fired at their brother. During course of investigation this petitioner has also made his confessional statement and on his disclosure the weapon of assault was recovered. From perusal of the post-mortem report it is clear that the cause of death is sepsis (infection) and it also transpires that the deceased has received



fire-arm injury. It is direct allegation against the petitioner of firing.

8. Having heard learned counsel for the parties and considering the above facts and circumstances, I am not inclined to grant bail to the petitioner at this stage, however, the petitioner is at liberty to renew his prayer for bail after six months if the trial is not concluded.

9. Accordingly, the present bail application stands rejected.

(Ashok Kumar Pandey, J)

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