

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22854 of 2015

Arising Out of PS.Case No. -91 Year- 2012 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Dharmendra Kumar S/O Jethu Rai R/O Village- Rajapakar, South Tola,
P.S.- Rajapakar, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Adv.

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-09-2015 Heard both sides.

The petitioner seeks bail in Industrial Area P.S. Case no. 91/2012, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and 27 of the Arms Act.

The widow of the deceased Nirbhay Narayan Singh alleged that one person called from mobile no. 91995679999 on the mobile of her husband who disclosed his name as Bhagat Jee and asked about the whereabouts of her husband. One person came at her house and fired at her husband.

It is submitted that the petitioner is not named in the FIR but the father of the deceased gave his fardbeyan on 1.08.2012 with regard to the occurrence took place on 26.07.2012 and he disclosed that the petitioner Dharmendra and others came. The petitioner fired on his son.

It is further submitted that Shivji Singh is not an eye-witness of the occurrence. Only the wife of the deceased was present at the time of occurrence and she disclosed that only one person came who fired at her husband. The statement of father of the deceased is not at all worth reliable. Jitendra Rai @ Jhuletan Rai @ Chhotelal Rai has already been granted anticipatory bail vide order passed in Cr. Misc. No. 11435/2015.

Considering the facts aforesaid and the fact that the wife of the deceased who lodged the case immediately after the occurrence did not disclose the name of the petitioner and the father of the deceased who gave his fardbeyan after a week of the occurrence, disclosed the name of the petitioner as assailant, but the wife of the deceased did not say about the presence of her father-in-law in the house at the time of occurrence, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Industrial Area P.S. Case no. 91/2012.

(Prabhat Kumar Jha, J.)

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