

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22991 of 2015

Arising Out of PS.Case No. -76 Year- 2002 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Ram Dayal Paswan. Son of Jagaran Paswan. Resident of village - Barthu,
P.S.- Karai Parsurai, Dist.- Nalanda. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Roy

For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 18-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302/34 of the Indian Penal Code and under section 27 of the Arms Act.

The informant is widow of Ramesh Ravidas, the deceased. The informant alleged that while she was sleeping with her husband Ram Dayal Paswan, the petitioner, came and woke up her husband and asked him that somebody was calling her husband. Her husband followed the petitioner up to Primary School, Posanda. Shiv Shankar Prasad and Avinash Kumar were standing there from before. The petitioner disclosed her husband that he was breaking his party and fired from his pistol which hit on the back of her husband. Shiv Shankar Prasad also fired which hit on the leg of her husband.

Mr. Ram Suresh Roy, the learned Senior counsel for the petitioner, submits that the police after investigation submitted final form accepting the plea of alibi of the petitioner on the basis of certificate issued by Satyadeo Ram, Member of Legislative Assembly, that petitioner was with him to attend a rally. It is further submitted that Naresh Ravidas, brother of the deceased, disclosed that Avinash Kumar fired which hit on the back of her husband.

On perusal of the records, it appears that the victim is sole eye witness of the occurrence. The school is situated just 10 yards from the house of the informant. Naresh Ravidas, brother of the deceased, is not an eye witness of the occurrence and he came to know about the occurrence from his sister-in-law (bhabhi), the informant. The informant has made very specific allegation that it was the petitioner who fired which hit on the back of Ramesh Ravidas, the deceased. Post mortem report also shows that the deceased got injuries on back and thigh.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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