

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23775 of 2015

Arising Out of PS.Case No. -96 Year- 2014 Thana -KASIMBAZAR District- MUNGER

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1. Deepak Kumar @ Deepak Sao Son of Ramautar Sao resident of Muhalla
- Ghosi Tola, Police Station - Kasim Bazar, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. Shardanand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 24-09-2015

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.

Manoj Kumar, the brother of deceased Dinesh
Kumar, alleged that some villagers informed him that Suraj
Kumar and his brother Deepak Kumar, the petitioner, and other
accused persons made indiscriminate firing on his brother, Dinesh
Kumar.

It is submitted that the occurrence took place on
11.06.2014 but the FIR was lodged on 14.06.2014. The informant
is not an eye witness of the occurrence. The mother and sister-in-
law of the deceased are the eye witnesses of the occurrence but

they did not lodge the case earlier nor disclosed this fact to informant and it creates doubt about the truthfulness of the prosecution case.

On facts, it appears that the informant came immediately after the occurrence and took his brother to hospital for treatment but his brother died on 14.06.2014 in Bhagalpur where his statement was recorded by the police of Barari P.S. who sent the fard bayan to Kashim Bazar P.S. The investigation officer, during the course of investigation, took the statement of mother and sister-in-law of the deceased who very categorically stated that Suraj fired which hit on the abdomen of deceased and petitioner fired which hit on the left thigh of deceased.

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

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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