

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17556 of 2017

Arising Out of PS.Case No. -233 Year- 2016 Thana -SALKHUA District- SAHARSA

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Md. Dilbar @ Dilshad, Son of Md. Arshad, Resident of Village- Kainjari,
P.S.- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Salkhua P.S. Case No.233 of 2016 registered under Sections 147, 148, 149, 341, 302, 379, 504, 506 and 120-B of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Additional Chief Judicial Magistrate-II, Saharsa.

The accusation is that on 30.11.2016 in the evening, Krishna Kumar, the brother of the informant Rajiv Kumar Bhagat (Raja), was returning to his house after closing his onion and potato vegetable shop on a bicycle. Nitesh Kumar and one more person, on a bicycle, were also behind him. When Krishna



Kumar, the brother of the informant, reached near Bajrangbali Asthan, then Md. Sijo, Md. Dilbar (petitioner), Md. Safi and Md. Wakil Hafiz surrounded and caught hold of him. At that time, Md. Wakil Hafiz ordered to kill him and, thereafter, Md. Safi shot fire at Krishna Kumar, the brother of the informant, causing firearm injury on his back and then Md. Dilbar (petitioner) and Md. Sijo shot fire at Krishna Kumar, the brother of the informant, causing firearm injury on the back of his head. Krishna Kumar, the brother of the informant, fell down on the ground. At that time, this petitioner took Rs.1000/- from the pocket of Krishna Kumar, the brother of the informant. Krishna Kumar, the brother of the informant, died on the spot due to sustaining firearm injuries.

Learned counsel appearing on behalf of the petitioner submits that while the informant is not an eye witness to the occurrence and he has stated about making fire by this petitioner at his brother Krishna Kumar but Nitesh Kumar, who is an eye witness to the occurrence, according to the F.I.R., has only stated that four persons, named in the F.I.R., and four unknown fired at Krishna Kumar, the brother of the informant, and he has not made any specific allegation against the petitioner. Further submission is that the petitioner having no criminal antecedent is in custody



since 11.12.2016.

From perusal of the post-mortem report of the dead body of the deceased, it appears that four entry and four exit wounds, caused by firearm, were found on the person of the deceased.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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