

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32936 of 2017

Arising Out of PS. Case No.-16 Year-2017 Thana- CHAINPUR District- Bhabhua (Kaimur)

Dinesh Bind S/o Late Chirakut Bind Resident of Village-Chhotaka Lohera,
P.S. Chainpur, District-Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Pandey, Advocate
For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with
Chainpur P.S. Case No. 16 of 2017 pending in the Court of
learned Additional Chief Judicial Magistrate-II, Bhabua
registered for the offence punishable under Section 302 and
other allied sections of the Indian Penal Code Section 27 of
the Arms Act.

The prosecution case, as lodged by the
informant, is that there was a partition between four brothers
and his son and nephews had gone to their field. As hand
pump fell in the share of the petitioner, he had assured to
give money, but in the meantime, his wife came and stated
that the son of the petitioner and nephews have abused her,



on which the petitioner fired on the informant's son and his wife, Kashmira Devi hit the nephews with tangi on which they also got seriously injured. Informant's son succumbed to gun shot injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is the full brother of the informant. He submits that land dispute was going on between the parties and Title Suit No. 92 of 2011 is pending in the Court of the learned Sub-Judge-III, Kaimur at Bhabua between the brothers. He submits that on account of the instant provocation by the wife of the petitioner that such occurrence has been alleged to have taken place, which is very improbable. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that death occurred due to fire arm injury on the clavicle region and that there is direct allegation upon the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege



of bail to the petitioner at this stage. This application is, accordingly, rejected.

However, petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J.)

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