

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32403 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Surendra Bhagat, Son of Jitu Bhagat, resident of Village/Mohallah-Kutubpur Dighra, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.P.Pandey

Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 01-08-2017 Heard the parties.

This application is for grant of regular bail in connection with Bidupur P.S.Case No.301 of 2016 (Sessions Trial No.138 of 2017) for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of firing causing death of two persons.

Submission of the learned counsel for the petitioner is that the occurrence is in two part. First part is that there is general and omnibus allegation of assault and second part of the allegation is that he has fired causing injuries to the informant and his daughter-in-law.



Further submission is that the aforesaid allegation as made in the F.I.R. is falsified by the statement of the injured before the Police in Para 33 of the case diary as he has not named the petitioner as the main assailant of his daughter-in-law rather it is stated that one Manoj Kumar had fired.

Further submission is that wife of the petitioner has also received injury as the informant and others were trying to outrage her modesty and in this regard, the Officer Incharge did not lodge a case so a complaint was made before the Superintendent of Police and thereafter, the case was lodged and the postmortem report also shows that the death of the deceased is due to septicemia.

Further submission is that the petitioner is in custody since 29.11.2016.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that there is direct allegation against the petitioner in the F.I.R. itself and the allegation has also been supported by the postmortem report and also fire arm injury has been found on the person of the deceased, as such he does not deserve bail.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to



the petitioner. Accordingly, his prayer for bail is rejected.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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