

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33344 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -BASNAHI District- SAHARSA

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1. Dharmendra Sah, S/o Late Ashok Sah @ Late Deo Narain Sah,
2. Raj Kumar Sah, S/o Late Ashok Sah @ Late Deo Narain Sah, Both
residents of Village- Mahua Bazar, P.S.- Basnahi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-08-2017 Heard the parties.

This application is for grant of regular bail in connection with Basnahi P.S.Case No.33 of 2017, registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioners and the other accused persons is of firing and killing the deceased, who is husband of the informant.

Submission of the learned counsel for the petitioner is that from perusal of the F.I.R. it appears that there is no eye witness of the occurrence and accused persons including the petitioner have been made accused on the basis of suspicion. It is



further submitted that in para 18 of the case diary, one witness has taken name of the petitioner as assailant but the statement has been recorded much after lodging of this case as such this is manufactured one and other witnesses has stated in para 19 of the case diary about all the accused persons of firing.

Heard learned A.P.P. also, who has opposed the prayer for bail and drawn my attention towards para 18 of the case diary in which witnesses have stated about firing by the petitioner on the order of the father of the petitioner no.1 and the postmortem report also shows fire arm injuries on the person of the injured.

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

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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