

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40007 of 2018

Arising Out of PS.Case No. -306 Year- 2017 Thana -DULHIN BAZAR District- PATNA

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1. Dinesh Kumar @ Dinesh Mahto, Son of Ram Pawan Mahto, Resident of Village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 11-07-2018 Heard Mr. Ramakant Sharma, learned Senior counsel
for the petitioner and learned Additional Public Prosecutor.

The petitioner apprehends his arrest in connection with Dulhin Bazar P.S. Case No.306 of 2017 registered under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that he along with other villagers had gone to the house of Keshwar Singh of village Chotki Kharwa and after taking feast, they were returning at 7.30 in the evening. When they reached near village school situated in the southern side of the village, the petitioner along with other accused persons caught his brother and the petitioner is alleged to have fired causing death of Yash Narayan Sharma on the spot.



Learned counsel for the petitioner submits that on the same day Dulhin Bazar P.S. Case No.302/2017 was registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act by Satya Narayan Yadav for the death of his son caused by unknown person near the place of occurrence situated in village Chotki Kharwa. The third F.I.R. being Dulhin Bazar P.S. Case No.304/2017 was lodged for recovery of the dead body and arms and ammunition from the possession of the dead body of Chandan Kumar. It is submitted that there was rivalry between two groups in the village. The informant does not seem to be an eyewitness to the occurrence. The occurrence took place on 20.12.2017 at 7.30 in the evening but the information to the police was given on 23.12.2017. No plausible explanation has been given. There appears that some unknown might have killed the brother of the informant who killed Chandan Kumar but the petitioner who is a school teacher has falsely been implicated in this case due to previous enmity but I find that the informant has alleged that he along with other persons were returning from the house of Keshwar Singh after taking feast from his house. While they were on way to the house, the informant saw many persons, who caught his brother and killed his brother. The brother of the informant was taken to P.M.C.H. but on his way, he succumbed to the



injury.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the regular bail petition of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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