

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37626 of 2018

Arising Out of PS.Case No. -83 Year- 2017 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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Jagbali Ray, S/o Ram Slok Ray, R/o Village- Neerampur, P.S.- Raghapur,
District- Vaishali. Petitioner.

Versus

The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner : Mrs. Rina Sinha, Advocate.

For the Informant : Mr. N.C. Verma, Advocate.

Mr. Natraj Verma, Advocate.

For the State : Mr. Manish Kumar No.2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

07 23-08-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code, Section 27 of the Indian Penal Code and Section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

Six named accused persons including the petitioner
arrived at the 'Bathan' of the informant with liquor and tried to
consume liquor there. On the protest made by the informant and
his son, on the order given by the Dashrath Rai, petitioner resorted
firing on the head of the son of the informant, namely, Satish
Kumar and after sustaining injury when he fell down on the
ground, the said Dashrath Rai also resorted firing on him. He was
referred to P.M.C.H., Patna but he was declared brought dead.



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It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern with the said occurrence. He has been falsely implicated in this case. As there is only one entry and exit wound, as found in the postmortem report, the assailant of the aforesaid injury is not ascertained. He has no criminal antecedent and has been languishing in custody since 28.03.2018.

On the other hand, learned counsel for the informant and learned A.P.P. for the State vehemently opposing the bail petition submitted that the petitioner happens to be first assailant of the deceased and after resorting firing by the petitioner on his head the deceased fell down then another accused, namely, Dashrath Rai resorted firing by means of fire arms. In the postmortem report though one injury has been reported as wound of entry while other as wound of exit, but both the injury has been shown on the right parietal region which indicates sustaining of the two injuries by the deceased in the occurrence.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, this application is rejected.

(Prakash Chandra Jaiswal, J)

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