

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61753 of 2018

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

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Dharmbir Yadav, Son of Ramanand Yadav, Resident of Village- Morkahi,
P.S.- Alouli, District- Khagaria, at present Village- Behali Tola, P.S.- Chiraiya
(O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate with Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Sorbottam Kumar Sarkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-11-2018 Petitioner prays for bail in connection with Alouli

P.S.Case No. 165 of 2016 registered for the offences punishable

under Sections 364, 302, 120B, 34 of the Indian Penal Code and

27 of the Arms Act.

Allegation as per FIR is that husband of the informant

was kidnapped by accused persons, including the petitioner and

on the order of Ramanand Yadav the petitioner fired shot at the

left temporal region of the husband of the informant, due to

which he succumbed to the injuries.

Submission of learned counsel for the petitioner is

that in this case twice post mortem was held and that creates a

doubt about the prosecution case and further FIR shows that



four persons have caught hold of the deceased and thereafter petitioner fired which appears to be improbable. Further submission is that though petitioner is accused in two other cases but in one case he has been acquitted and in another case he is not accused and petitioner is in custody since 4.1.2018.

Heard learned APP also, who has opposed the prayer for bail stating that in several paragraphs of the case diary witnesses have supported the prosecution case stating that petitioner is the main assailant and petitioner is accused in two other cases.

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

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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