

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4477 of 2019

Arising Out of PS. Case No.-194 Year-2018 Thana- DINARA District- Rohtas

Vimalesh Thakur S/o. Late Janardan Thakur resident of village - Koiriya, P.S.
- Dinara, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-04-2019 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

The petitioner is languishing in custody for the offences punishable under Sections 147/148/149/341/307 of the Indian Penal Code and Section 27 of the Arms Act in connection with Dinara P.S. Case No. 194 of 2018.

The informant claims to be an eyewitness of the occurrence. The petitioner allegedly fired causing injury at the head of the husband of the informant as a result whereof he died.

Learned counsel for the petitioner submits that neither the inquest report nor the medical report nor the post mortem report is specific that fire-arm injury was found on the person of the deceased. The inquest report reveals that head injury was noticed by the police which was bandaged. The doctor, who performed the post mortem



examination, found stitched wound on the head. However, is not of a definite opinion that the injury was fire-arm injury mainly for the reason that bullet was not visible in the x-ray.

Learned counsel for the informant opposed the prayer for bail.

For the aforesaid infirmity, the eyewitness cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the petitioner on bail.

Petitioner is in custody since 18.06.2018. The learned trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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