

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34146 of 2019

Arising Out of PS. Case No.-267 Year-2017 Thana- DHAMDAHA District- Purnia

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Monu Dubey, aged about 24 years, male, Son of Surendra Kumar Dubey @
Bipin Kumar Dubey, Resident of Village - Tarauni, P.S.- Dhamdaha, Distt. -
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-09-2019 The petitioner seeks bail in connection with

Sessions Trial No. 160 of 2018 arising out of Dhamdaha

P.S. Case No. 267 of 2017, dated 11.11.2017, which has

been instituted for the offences under Sections 302, 120(B)

and 34 of the Indian Penal Code and Section 27 of the Arms

Act.

2. The informant has alleged that the petitioner

fired from his pistol which hit the deceased and him also but



only marginally.

3. Mr. Ramakant Sharma, learned Senior Advocate for the petitioner has submitted that the petitioner as well as the deceased are friends, who were in the real estate business for a long time and the implication of the petitioner in the present case is only on the basis of suspicion. It has further been submitted that the deceased had a criminal background and he may have been killed in some skirmish with his enemies and on finding no clue with respect to the assailants, the petitioner has been made the scapegoat in this case.

4. The last of the arguments urged on behalf of the petitioner is that when the informant is an eye-witness to the occurrence and specifically states that one shot fired by the petitioner hit the deceased, the presence of three wounds of entry on the body of the deceased clearly reflects that the manner of occurrence was different from what has been seen or narrated in the F.I.R.

5. This Court however on consideration of the accusation against the petitioner of having opened fire at the



deceased, who ultimately died, is not inclined to grant bail to the petitioner.

6. The prayer for grant of bail of the petitioner is hereby refused.

7. This Court has further been informed that the trial is begun. In that view of the matter, this Court deems it appropriate to direct that the trial be concluded without any delay, provided the accused persons including the petitioner do not cause any obstruction in the speedy conclusion of the trial.

8. With the aforesaid direction/observation, the petition stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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