

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44272 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- DARBHANGA District- Darbhanga

Bipin Ray Son of Surendra Ray Resident of Mohalla - Mishra Tola, Nag
Mandir, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 04.01.2019 has filed the instant application for grant of bail in connection with Darbhanga Town P.S. Case No. 259 of 2018 (District Darbhanga) registered for the offence punishable under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, as a result of altercation which took place between the petitioner and the son of the informant, it is stated that the petitioner shot the son of the informant in his head. He was taken to DMCH, Darbhanga but died before treatment.



It was submitted by learned counsel for the petitioner that although the occurrence is said to have taken place on 29.12.2018 at about 09.00 p.m and the police received information soon thereafter at 10.15 p.m no FIR was registered. The fardbeyan was made only on 30.12.2018 at 09.00 a.m. It was further submitted that although from the FIR it would transpire that the son of the informant died prior to any treatment could be given to him at DMCH, Darbhanga but from the postmortem report it would transpire that the head of the deceased was found to be bandaged. It was thus, submitted that the occurrence had taken place in a manner other than what has been narrated in the FIR. It was further submitted that the petitioner is in custody since 04.01.2019 thus he be released on bail.

The application for bail was opposed by learned APP for the State submitting that the postmortem report as well as the statement of the witnesses recorded under section 161 Cr.P.C supported the allegations against the petitioner. It was further submitted that the petitioner has criminal antecedents.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the FIR which finds support from the statement of the witnesses



recorded in course of investigation as also from the postmortem report, the Court is not inclined to grant bail to the petitioner and as such the application for bail of the petitioner is rejected.

(Partha Sarthy, J)

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