

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51952 of 2019

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

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Surendra Mohan
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-08-2019 This application has been filed for grant of provisional

bail to the petitioner in connection with S.T. No. 122 of 2019

arising out of Alouli P.S. Case No. 165 of 2016 for the offences

under Sections 364, 302, 120B, 34 of IPC.

The prayer for bail of the petitioner was earlier
rejected twice by this Court, vide order dated 28.11.2018
passed in Criminal Misc. No. 61753 of 2018 and order dated
04.07.2019 passed in Criminal Misc. No. 40182 of 2019.

There is allegation against the petitioner is that he fired
shot at the left temporal region of the husband of the informant,
due to which, he succumbed the injuries.

Submission of learned counsel for the petitioner is that his
wife is suffering from Kidney ailment and as such, Doctor at
Sasaram and Begusarai referred to AIIMS and there is no one to



take care of his wife except him and as such, he has prayed for provisional bail.

Heard learned APP also, who has opposed the prayer for provisional bail on the ground that prescription which has been annexed with the petition disclosed no serious ailment to her and the learned trial court while considering the prayer for provisional bail, in view of the direction of this Court, vide order dated 04.07.2019 passed in Criminal Misc. No. 40182 of 2019 has considered the medical prescription and came to the conclusion that private Doctor of Saharsa has referred the wife of the petitioner to AIIMS, Delhi. There is no medical report available of IGMS, Patna referring the wife of the petitioner to AIIMS, moreover, from prescription, it does not appear that she is suffering from any serious ailment.

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

With the aforesaid, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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