

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3828 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- SUPAUL District- Supaul

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DOMI SAH @ SHIVSHANKAR SAH Son of Bindeshwari Sah, Resident of
Village- Kamaljari, P.S.- Gamhariya, District- Madhepura.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-11-2019 Heard both sides.

This criminal appeal is filed for grant of bail to the appellant in Supaul P.S. Case No.23 of 2019 registered under Sections 302 and 34 of the I.P.C. and under Section 3(i)(r)(s) of the SC/ST Act as well as under section 27 of the Arms Act.

The widow of the deceased (informant) alleged that the petitioner and others came on a motorcycle near the *Thela* of the informant and asked for onion. When the husband of the informant refused to give opinion, the petitioner fired with his pistol which hit on the chest of the husband of the informant. Thereafter, the husband of the informant died.

Learned counsel for the petitioner submits that on account of land dispute, the petitioner has falsely been implicated in the case. The deceased was informer of the police



and he got many enemies. Some of the enemies might have killed the husband of the informant.

It appears from perusal of the F.I.R. that there is direct and specific allegation against the petitioner that he along with two other persons came and on refusal to give onion, it was petitioner, who fired with his pistol, which hit in the chest of the husband of the informant. Thereafter the husband of the informant died.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail is rejected and this criminal appeal is dismissed.

(Prabhat Kumar Jha, J)

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