

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21410 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- KARAHGAR District- Rohtas

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UMESH DUBEY @ DEFU Son of Late Sheo Prasad Dubey Resident of
Village - Sheopur, P.S.- Kargahar, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-10-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Kargahar P.S. Case No. 155 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The wife of the deceased is the informant. She has alleged that on 05.06.2019 at 6.20 P.M., the petitioner and other co-accused persons armed with country made pistols came and dragged the informant's husband towards their house. She screamed for help and shouted at the top of her voice. However, in the meanwhile, the informant's husband was shot dead by them.

Learned counsel appearing on behalf of the petitioner



has submitted that informant could not be an eye witness, as the occurrence had taken place away from the informant's house. He has submitted that the allegation is completely false and has been made because a title suit is pending between the relatives of the informant and the family members of the petitioner.

I am not inclined to grant the petitioner, privilege of regular bail for the present for two reasons. Firstly, it can be noticed from the statement made in paragraph 3 of the application that the petitioner has criminal antecedent and secondly, the informant has clearly said in the F.I.R. that her husband was dragged and thereafter shot dead by the accused persons named in the F.I.R.

In such circumstance, I am not inclined to grant the petitioner, privilege of regular bail.

This application is accordingly dismissed.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be



communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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