

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27708 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

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Dharmendra Ravidas S/o Garivan Ravidas Resident of Village- Ghugharitand
Chhatubigha, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Adv. Mr. Vinod Kumar, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sheo Shankar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for regular bail has been filed
by the petitioner in connection with Vishnupad P.S. Case
No.243 of 2019 registered under sections 302 and 34 of the
Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated that while
the petitioner and few other accused persons caught hold of the
brother of the informant, the accused Sanjay Yadav shot him
with a rifle as a result of which he fell down.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case and no
incriminating article has been recovered from his possession. It



is submitted that even as per allegation in the F.I.R., it is Sanjay Yadav who is the sole assailant and even in the postmortem report no other injury has been found on the body of the deceased. It is submitted that no overt act has been alleged against the petitioner who is in custody since 18.1.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having actively participated in the occurrence. The petitioner is stated to have caught hold of the deceased along with others while he was shot by Sanjay Yadav.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the petitioner as per the allegation in the F.I.R. is stated to have actively participated in the occurrence and which is supported by the witnesses in course of the investigation, the Court is not inclined to enlarge the petitioner on bail and as such the same is rejected.

Bibhash/-

(Partha Sarthy, J)

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