

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17907 of 2021**

Arising Out of PS. Case No.-133 Year-2020 Thana- BENIPATTI District- Madhubani

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DHIRAJ PASWAN @ DHEERAJ PASWAN SON OF BHARAT PASWAN
R/O VILLAGE- LORIKA, P.S.-BENIPATTI, DISTRICT- MADHUWANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dwij Raj, Advocate
For the State	:	Ms. Renuka Ratnakar, APP
For Informant	:	Mr. Ayush Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 386 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the six named accused persons including the petitioner herein are stated to have assaulted the brother of the informant. It is stated that the petitioner was carrying a pistol while other accused persons were carrying different arms. On being taken to the hospital the petitioner was declared dead.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and



concocted. The postmortem report does not support the allegations levelled in the FIR. Case of the petitioner stands on a similar footing to that of co-accused who has been enlarged on bail. It is lastly submitted that no firearm injury has been found in the postmortem report. The petitioner is in custody since 13.6.2020, investigation in the case has concluded and the petitioner has no criminal antecedent.

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 there is specific allegation of overt act against the petitioner in the FIR which is corroborated from the contents of the postmortem report and the same has been supported in course of investigation by the statement of the witnesses under section 161 Cr.P.C.

Having heard learned counsel for the parties and in view of the nature of allegation in the FIR leading to death of the brother of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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