

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10730 of 2022

Arising Out of PS. Case No.-174 Year-2019 Thana- HULASGANJ District- Jehanabad

DHIRAJ KUMAR Son of Sridhar Sharma Resident of Village- Khauna, P.S.-
Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Sanjeev Ranjan, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Ashutosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

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

As per the prosecution case, it is stated that over an altercation, the four named accused persons including the petitioner herein beat up the person sitting at the counter of the shop. It is stated that the brother of the informant gave instructions to lodge an F.I.R. on the basis of the video footage. Soon thereafter, it is stated that the accused persons standing at some distance caught hold of the brother of the informant while the petitioner fired from his pistol killing the informant's



brother.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself, it would transpire that the informant is not an eye witness to the occurrence nor does he disclose the manner of receiving information with respect to the alleged occurrence. The occurrence has taken place in a manner other than what has been narrated in the F.I.R. The prosecution case is further falsified in the statement of the witnesses recorded in paragraph no.31 of the case diary. The petitioner is in custody since 21.12.2021 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner happens to be the main/sole assailant of the deceased and the allegations have been supported by the witnesses in course of investigation.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having shot at and killed the brother of the informant which is supported from the material that has



transpired in course of investigation, the Court is not inclined to
enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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