

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35109 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- BASOPATTI District- Madhubani

AJIT DAS Son of Mr. Arun Das Resident of Village- Mahinathpur, P.S.-
Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,504,34 of the Indian Penal Code and 27 of Arms Act.

As per the prosecution case, petitioner alongwith two other unknown persons came on a motorcycle and petitioner fired from his pistol in the stomach of father of the informant, as a result of which, during course of treatment, he died.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. He further submits that the date of occurrence as alleged in the FIR is 26/27.07.2020 and the present FIR has been instituted on 28.07.2020 after delay of about one day without any explanation of delay. He further submits that the deceased, in his statement, has not disclosed the name of the petitioner, and except the confessional statement of the petitioner and other co-accused persons, nothing has come against the petitioner during investigation.

On the other hand, learned counsel for the State, on the basis of the material available on the record and the case diary, opposed the prayer for bail of the petitioner and submits that in paragraph-9 and 11 of the case diary, the statement of the witnesses, namely, Kari Chaudhary and Pramila Devi, they claim that they are eye witnesses of the alleged occurrence and they also identified the petitioner that he fired upon the deceased and during investigation the motorcycle as well as arms were recovered. He further submits that the petitioner carries five more cases other than the present one.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Basopatti P.S.Case No.178 of 2020 pending in the court of learned Judicial Magistrate, 1st Class, Madhubani.



Prayer is refused.

(Rajesh Kumar Verma, J)

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