

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50896 of 2021

Arising Out of PS. Case No.-306 Year-2017 Thana- DULHIN BAZAR District- Patna

Dinesh Kumar @ Dinesh Mahto S/o- Ram Pawan Mahto Resident of Village-
Lala Bhadsara, P.S. - Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K.Sinha Sr. Adv. Mr. Satyeshwar Prasad Adv Mr. Rakesh Kumar Adv
For the Opposite Party/s :		Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Sri D.K.Sinha learned senior counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Petitioner seeks bail in a case registered in connection
with Dulhin Bazar P.S.Case No.306 of 2017 for the offences
punishable under Sections 302, 120B/34 of the Indian Penal
Code and 27 of the Arms Act.

As per the prosecution case, it is alleged that on
20.12.2017, the informant along with his nephew Dharmendra
Kumar, Ravi Kumar, Satyendra Mistry and Bhushan Mistry
were returning home after attending feast. In the meantime, 13



accused persons including the petitioner, surrounded them and on the order of co-accused Amar Prakesh Yadav, petitioner Dinesh Mahto fired upon the informant's brother namely, Yas Narain Sharma by country made rifle. As a result of which he sustained injury and subsequently, he succumbed to his injuries while being taken to hospital.

Learned senior counsel for the petitioner submits that on the same day Dulhin Bazar P.S.Case No 302 of 2017 was registered under section 302/34 of the Indian Penal Code and Section 27 of the Arms Act by Satya Narayan Yadav against unknown persons in village Chotki Kharwa. The 3rd F.I.R being Dulhin Bazar P.S.Case No. 304 of 2017 was registered for recovery of the dead body of Chandan Kumar. It is further submitted that there was rivalry between two groups and the informant does not seem to be an eyewitness to the occurrence and moreover, he did not disclose the name of the deceased, in his fardbeyan that he accompany with him. He also submits that the occurrence took place on 20.12.2017 but the F.I.R has been instituted on 23.12.2017. It is next submitted that it appears that some unknown criminals killed the brother of the informant and the petitioner, who happens to be school teacher, falsely implicated in this case due to previous enmity and he is in



custody since 06.01.2021. It is also submitted that other accused persons have already been granted bail by this Hon'ble Court.

Having gone through the F.I.R as well as case diary, it appears that there is specific allegation against this petitioner that he fired from his country made rifle upon the deceased causing gun shot injury which resultant into his death. It also transpired from the case diary that the witnesses namely, Ravi Kumar, Dharmendra Kumar, Satyendra Mistry and Bhushan Mistry supported the prosecution case. Further it also transpired from Paragraph no. 82,83 and 84 of the case diary that witnesses have made complaint to the Superintendent of Police that the informant and his family members frequently receiving threat at the hands of the petitioner and other accused persons to compromise the matter and withdraw the case. It also transpired from the record that petitioner has found involved in seven other cases, out of which in three cases the police has not sent up him for trial.

Having heard the learned senior counsel and gone through the averments made in the application as well as case diary, there is specific allegation against this petitioner that he fired upon the deceased causing his death. Apart from the fact that there is materials which suggest the petitioner's



involvement in intimidating the witnesses and his involvement in other criminal cases, this Court is not inclined to grant bail to the petitioner at present.

However, the petitioner shall be at liberty to renew his prayer for bail after eight month. It is expected that the learned trial court shall expedite the process of trial and ensure speedy disposal of the case.

(Harish Kumar, J)

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