

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54553 of 2021**

Arising Out of PS. Case No.-25 Year-2019 Thana- KARAMCHAT District- Kaimur (Bhabua)

Ashok Dubey, Son Of Kamta Debey Resident Of Village - Baheri, P.S.-
Karamchat, Distt.- Kaimur At Bhabua.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 02-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 21 of 2020 arising out of Karamchat P.S. Case No. 25
of 2019 instituted for the offences under Section 302 of the
Indian Penal Code read with Sections 25(1-b)a, 26 and 27 of the
Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.07.2019, is a person with clean
antecedent, charge-sheet has been submitted in the case and
charges have been framed.

Learned counsel for the petitioner submits that the
informant alleges that his father (petitioner) and mother were
quarreling and the father was abusing his mother, further the
petitioner out of anger went on the roof of his house with his
gun and fired in the air on which the mother of the informant



became afraid and she also went to the roof to calm down the petitioner. It is alleged that when his mother went upstairs, the petitioner shot her twice on which his mother came running downstairs and the informant raised *hulla* on which villagers came.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that informant, who is the son of the petitioner, alleges that his parents were quarreling, father in anger took his gun and went upstairs and fired in the air, on which the informant who was on the roof came downstairs and the mother who was downstairs went to the roof for calming the petitioner when it is alleged that petitioner fired twice killing his mother.

Learned counsel submits that admittedly, the informant is not an eye-witness to the occurrence, further since the petitioner and the deceased were quarreling and if the petitioner intended to kill her then instead of going to the roof with gun and firing in the air, the petitioner could have shot the deceased inside the house only. It is further submitted that it appears that since the petitioner was in anger, as such, he went on the roof with the gun to vent his anger and it seems that when the deceased also followed him, accidentally the occurrence



took place.

In view of the submissions made by the learned counsel for the petitioner, the stage of the trial of the case was called for from the learned Court below. A report has been received contained in letter no.09 dated 21.02.2022 issued by the learned Additional District & Sessions Judge-IV, Kaimur at Bhabua. From perusal of the report, it manifests that till date, not a single witness has been examined.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case and despite framing of charge, the witnesses have not appeared, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Kaimur at Bhabua in connection with Sessions Trial No. 21 of 2020 arising out of Karamchat P.S. Case No. 25 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

