

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64163 of 2021**

Arising Out of PS. Case No.-296 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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DABLU KHAN @ SAHID Son of Wazir Khan @ Wajir Miya Resident of
Village- Majuraha, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Mishra, Adv.
For the State		Mr.Brajendra Nath Pandey, APP
For the Informant		Mr. Madhurendra Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

10 14-09-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of mention slip filed on behalf
of the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 296 of 2021 registered for the offences punishable
under Sections 302, 120(B), 34 of the Indian Penal Code and 27
of the Arms Act.

As per prosecution case, the informant's father has
been shot dead by the FIR named accused persons on account of



political rivalry at Panchayat level.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name surfaced in this case after four days of alleged occurrence in the statement of witness Ragini Kumari who happens to be daughter of deceased. He further submits that petitioner is in custody since 23.04.2021 and bears criminal history of five cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no eye witness to the alleged occurrence and only on the basis of suspicion petitioner has been implicated in the case. Learned counsel specifically submits that seizure list witnesses are not independent witness. No complaint has been lodged with regard to demand of ransom. The entire allegation is based on oral evidence.

Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for bail of the petitioner by submitting that on the basis of confessional statement of the present petitioner recovery of firearm has been made which has been allegedly used in the alleged occurrence.

Considering the facts and circumstances of the case as well as this aspect of the matter that on the basis of confessional statement of the petitioner the alleged arms used in



the occurrence has been recovered and also the material available on record, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner is, hereby, rejected.

However, if the trial is not concluded within nine months from the date of receipt/production of copy of this order, petitioner may renew the prayer of bail.

(Alok Kumar Pandey, J)

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