

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64537 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- RIGA District- Sitamarhi

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DILIP KUMAR @ DILIP MAHTO Son of Ram Dev Mahto Resident of
Village- Kusmari, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ritesh Kumar Narain Singh
For the Opposite Party/s	:	Mr.Kumar Ranjit Ranjan
For the Informant	:	Mr.Santosh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-08-2022 Heard learned counsel for the petitioner as well as

learned counsel for the informant and learned A.P.P. for the

State.

The petitioner seeks bail in connection with Riga
P.S. Case 168/2021, registered for the offence punishable under
Sections 394, 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per prosecution case, accusation against the
petitioner and others to indiscriminate firing upon the informant
and his brother but there is specific allegation against the
petitioner who fired upon the brother of the informant by close
range due to which he sustained injury and lastly died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. There is no specific allegation against the petitioner and there is general and omnibus allegation him. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 27.04.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail and submits that there is specific allegation against the petitioner who fired upon the brother of the informant.

Considering the facts and circumstances of the case, there is specific allegation against the petitioner coupled with the postmortem report and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

However, the trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

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