

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30149 of 2022**

Arising Out of PS. Case No.-107 Year-2019 Thana- KANHAULI District- Sitamarhi

Dinanath Bhagat @ Dinma @ Dinwa S/o Late Bechan Bhagat Resident of
Village- Vishanpur (Vishunpur), P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 11-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

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

As per allegations in the F.I.R., the three named
accused persons including the petitioner herein as also 2-3
others fired and killed the son of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. that three persons fired upon the son of the informant



but it is not clear in the F.I.R. that who fired upon the victim and the allegation as alleged in the F.I.R. is not supported by the postmortem report and only two fire arm injuries were found on the body of the son of the informant and there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. He further submits that the bail application of similarly situated co-accused person namely, Vijay Mahto had been rejected by a Coordinate Bench of this Court vide order 31.08.2022 passed in Cr. Misc. No. 28128 of 2022 and the case of the petitioner is similar footing.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Kanhauli P.S. Case No. 107 of 2019 pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

Prayer is refused.

(Rajesh Kumar Verma, J)

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