

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36418 of 2022**

Arising Out of PS. Case No.-116 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

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DIPESH KUMAR SINGH SON OF RAS BIHARI SINGH R/O- VILL-
IJARI PIPRA, P.S.- ARRAH MUFFASIL, DIST.- BHOJPUR-802531

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... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-01-2023 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 and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Arrah

Muffasil (Dhobahi O.P.) P.S. Case No. 116 of 2021 registered

for the offences punishable under Sections 302/34 of the Indian

Penal Code and 27 of the Arms Act.

As per prosecution case, there is allegation that

informant's husband was shot by unknown person and when he

was taken to hospital he died on the way.

Learned counsel for the petitioner submits that



petitioner is not named in FIR nor has been put on T.I.P. rather in the case diary it is alleged that some of the witnesses have identified the petitioner fleeing away. It is further submitted that petitioner and deceased used to visit the house of one lady and on account of said reason petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further submits that except suspicion there is no cogent material against the present petitioner to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is in custody since 31.03.2022 and bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner is quite innocent and has committed no offence as alleged against him in the FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. He submitted that in para 7 of the case diary restatement of informant has been recorded in which she reiterated the prosecution story. He further submits that in para 21 Sangeeta Singh (sister of the deceased) and in para 24 Mina Kuer (sister of the deceased) have reiterated the prosecution story and also stated that from the mouth of deceased the name of the present petitioner has been heard and postmortem report is quite evident that deceased



died on account of fire arm injury.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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