

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49195 of 2023

Arising Out of PS. Case No.-914 Year-2019 Thana- AHYAPUR District- Muzaffarpur

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DHIRAJ KUMAR S/O AWDHESH RAY R/O VILLAGE- KHALIDPUR,
P.S. AHYAPUR, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 13-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ahiyapur P.S. Case no.914 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that soon after his younger son left for his home he was followed by six accused persons on different motorcycles which included the petitioner herein. He heard three shots being fired. On reaching the place of occurrence, he saw his son having sustained gunshot injuries and his son disclosed that the



petitioner along with two others had fired on him while the other accused persons had caught hold of him.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R., it would be evident that the informant is not an eye witness to the occurrence. The contents of the post mortem report would show that the type of injuries sustained by the son of the informant is such that the injured would not be in a position to give any narration as has been alleged in the F.I.R. Even as per his statement, he has not disclosed as to whether it was the petitioner who fired on him and as to which shot of the petitioner hit which part of his body. The allegations are general and omnibus in nature. He is in custody since 21.4.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. according to which the son of the informant before his death is said to have disclosed to the informant that the three accused persons including the petitioner herein resorted to indiscriminate firing on him together with the contents of the post mortem report



according to which several gunshot injuries were found on the body of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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