

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54082 of 2023**

Arising Out of PS. Case No.-174 Year-2019 Thana- HULASGANJ District- Jehanabad

DHIRAJ KUMAR S/O SRIDHAR SHARMA R/O VILLAGE- KHAUNA,  
P.S- HULASGANJ, DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      22-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no. 152 of 2022 (arising out of Hulasganj P.S. Case no. 174 of 2019) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have shot the brother of the informant with a pistol leading to his death.

4. It is submitted by learned counsel for the petitioner that the prayer for bail of the petitioner was rejected earlier vide order dated 19.12.2022 (Annexure-1) passed in Cr. Misc. no. 10730 of 2022. The petitioner has been falsely implicated in the case would be evident from the deposition of the informant P.W. 8 recorded in course of trial wherein he categorically states that



he received information about the occurrence on mobile while he was at Patna, although he claims to be an eye witness in the FIR. The petitioner is in custody since 21.12.2021 and undertakes to cooperate in the trial.

5. Heard learned APP for the State.

6. A report was called for from the learned trial Court.

As per the report received contained in letter dated 21.8.2023 of the learned Additional District and Sessions Judge II, Civil Court, Jehanabad, till date ten prosecution witnesses have been examined and some documents has been proved. Almost all witness of the case has been examined and prosecution has taken one more chance for evidence.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein he is described as the assailant of the deceased together with the progress in trial in the learned trial Court wherein almost all the prosecution witnesses have been examined, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

Prakash/-

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