

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59050 of 2023

Arising Out of PS. Case No.-510 Year-2022 Thana- DAUDNAGAR District- Aurangabad

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ALOK KUMAR DHARI Son of Sri Umesh Singh @ Umesh Yadav R/o vill -
Jamuawan, P.S. - Daudnagar, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Shweta Anand, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Alok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard Mr. Sanjay Singh, learned Senior Counsel for the petitioner, Mr. Alok Kumar, learned counsel for the informant and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in judicial custody in connection with Daudnagar P.S. Case No. 510 of 2022 registered under Sections 302 and 120(B) of the Indian Penal Code lodged on 03.09.2022 by the informant, Sabita Devi.

3. As per the prosecution story, the informant, widow of Raju Kumar @ Vinay Singh has alleged that while they were seeding their paddy at Jamuawan, the petitioner along with other co-accused arrived and on the instigation of Umesh Yadav and Chinta Devi, allegation is that this petitioner opened fire



which pierced the ear of informant's husband and he died instantly. Accordingly, the FIR.

4. Learned Senior Counsel for the petitioner submits that he is an Army man and on the date of occurrence as his leave was up-to 3rd September, 2022, he had already left the place to report to his unit at Panagarh, (West Bengal) and the certificate of the Army unit shows that on that very day, he had reported. It is his further submission that he had used road route to reach the unit and the bus ticket has also been annexed to the petition. Last submission is that charge sheet has already been filed and he will abide by all the terms and conditions and will diligently appear in the trial, if granted bail.

5. Learned counsel for the informant submits that the wife who is the eye witness was present when the alleged assault took place and has made specific allegation against this petitioner that he opened fire which proved fatal.

6. Mr. Jitendra Kumar Singh, learned APP for the State echoes the submissions put forward by the learned counsel for the informant and also submits that the informant has made allegation against this petitioner of having opened fire.

7. Having gone through the facts on record, the submissions put forward by the learned counsel appearing for



the parties, the documents which learned Senior Counsel has referred to is the subject matter for further investigation and the petitioner is well advised to present the same before the appropriate Investigating Officer/Superior Authority to verify the same.

8. So far as the allegation against the petitioner is concerned, the informant has made specific allegation that he opened fire which pierced the ear of her husband and it proved fatal.

9. In the aforesaid circumstances, no relief can be can be extended to him.

10. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

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