

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71371 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- MAIRWAN District- Siwan

=====

BIRENDRA DUBEY Son of Late Sitaram Dubey R/V- Seni Chhapar, P.S-
Mairwa, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Mairwa
P.S. Case No. 142 of 2022 registered for the offence under
Sections 341, 323, 324, 307, 302, 120(B), 448, 504 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have shot fired upon the
father of the informant which hit into his stomach as a result of
which he fell down and succumbed to the injuries.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R., is false and fabricated and the petitioner has not committed
any offence. He further submits that this case is counter blast of
Mairwa P.S. Case No. 277 of 2022 filed against the informant by
one English Devi on account of the same, this petitioner has been



dragged in this case. He further submits that there was no intention to kill the informant's father. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.04.2022.

Learned A.P.P. for the State, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of firing made by the petitioner upon the father of the informant, who died on the spot. He further submits that during course of investigation several witnesses have supported the prosecution version and the same is being fully supported by the postmortem report.

Considering the facts and circumstances of the case and the direct allegation of firing attributed to the petitioner and the nature of offence, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

