

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11924 of 2024

Arising Out of PS. Case No.-107 Year-2019 Thana- KANHAULI District- Sitamarhi

Dinanath Bhagat @ Dinwa @ Dinma Son of Late Bechan Bhagat R/o vill -
Vishanpur (Vishunpur), P.s. - Kanhauli, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2024 Heard Mr. N.K. Agarwal, learned senior counsel for
the petitioner and Mr. Arvind Kumar Pandey, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.03.2022 in connection with S. Tr. No. 96 of 2023 arising out
of Kanhauli P.S. Case No. 107 of 2019, F.I.R. dated 20.09.2019
for the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court for grant of anticipatory bail which was rejected
vide order dated 20.02.2020 passed in Cr. Misc. No. 86465 of
2019. Thereafter, the petitioner has moved for grant of regular
bail before this Hon'ble Court which was rejected vide order
dated 11.01.2023 passed in Cr. Misc. No. 30149 of 2022.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present 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 offences as alleged in the F.I.R. He further submits that the statement of the wife of the deceased was recorded in paragraph no. 35 of the case diary in which she has not stated anything about the petitioner.

5. The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that as per the allegation in the F.I.R, three persons have fired upon the victim due to which he received three bullet injuries and the injury report also supports the allegation as alleged in the F.I.R. Apart from that the bail application of the co-accused person, namely, Vijay Mahto has been rejected by the Co-ordinate Bench of this Hon'ble Court.

6. Considering the aforesaid facts and circumstances that there is specific allegation against the petitioner which is supported by the medical evidence and on the similar footings the bail application of the co-accused persons have been rejected, I am not inclined to enlarge the petitioner on bail in



connection with S. Tr. No. 96 of 2023 arising out of Kanhauli
P.S. Case No. 107 of 2019 pending in the court of learned
Additional Sessions Judge 15th, Sitamarhi.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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