

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40739 of 2024

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

Alok Kumar Dhari S/O- Sri Umesh Singh @ Umesh Yadav Resident Of Vill-
Jamuawan, P.S- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Alok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Heard Mr. Dharendra Kumar Sinha duly assisted
by Ms. Soni Kumari, learned counsel for the petitioner, Mr.
Bharat Bhushan, learned APP for the State and Mr. Alok
Kumar, learned counsel appearing on behalf of the informant.

2. The petitioner is in custody in connection with
Sessions Trial No.33/2023/05/2023 arising out of Daudnagar
P.S. Case No. 510 of 2022 for the offence punishable under
sections 302, 120-B of the Indian Penal Code and sections
25(1-b)a, 27, 35 and 36 of the Arms Act, lodged on
03.09.2022, by the informant, Savita 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 the informant's husband and he died instantly. Accordingly, the F.I.R.

4. Learned 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. It is further submission that out of fourteen prosecution witnesses, twelve have been examined and only two witnesses are to be examined which include Doctor and Police Inspector.



6. The wife has lodged the F.I.R., the killing has taken place in her presence, she has named a single accused, the petitioner herein, trial is at an advance stage, allegation is that he opened fire killing the informant's husband on the spot. In that background, it would be appropriate that the petitioner cooperates in the trial.

7. The bail application stands rejected.

(Rajiv Roy, J)

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