

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83197 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- CHARPOKHARI District- Bhojpur

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ABDUL AZIZ S/O LATE MD. JUMRATI ANSARI @ MD. JUMRATI R/O
VILLAGE- WARD NO 3, BARODA(BARAUDA), PS- AGIAON
GARHANI, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Charpokhari P.S. Case No. 97 of 2024 for the offence punishable under section 302 of the Indian Penal Code and Section 27 of the Arms Act lodged on 24.04.2024 by the informant, Raisa Bano.

3. As per the prosecution story, the informant alleged that her husband went to Garhani to attend a marriage function and thereafter, both he and his brother (the petitioner) went to their sister's house. Allegation is that after taking the breakfast as he was there, the petitioner came with his licensed gun and opened fire causing injury in his chest/hand who died on the spot. The reason for the alleged killing is dispute relating to the ancestral property. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that



though the lady has made allegation, she is/was not an eye-witness whereas it is clear that she was not present there and came only after the alleged occurrence took place.

5. Learned Senior counsel for the informant on the other hand has taken this Court to the order sheet of the learned Sessions Judge to show that immediately after the occurrence, the petitioner was caught at the place of occurrence alongwith the licensed gun and live cartridges/used cartridges. He submits that it is not the case of the petitioner that the facts incorporated in the learned Sessions Judge order is incorrect.

6. Taking into account the aforesaid facts as also that the petitioner, the elder brother of the deceased, has been alleged to have open fire, he was present at the spot alongwith his licensed gun with live cartridges and direct allegation is against him, in that background, there is no occasion to grant any relief to him.

7. The present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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