

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22638 of 2015

Arising Out of PS.Case No. -31 Year- 2014 Thana -SAKSOHRA District- PATNA

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1. Sanjay Kumar Singh S/o Sri Baban Singh R/o vil. - Bhawanchak, P.S.
Saksohara, District - Patna. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Md.Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 17-09-2015 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in a case under Section
302/34 of the Indian Penal Code and under section 27 of the Arms
Act.

The informant named the petitioner along with other
accused persons and alleged that while he was going on motor
cycle with his brother, Viveka Yadav, the deceased, six accused
persons intercepted them. Sanjay Kumar Singh, the petitioner,
Mantu Singh and Sanjay Singh put Viveka Yadav on ground and
made indiscriminate firing thereafter co-accused Dhiraj Kumar
Singh, Rakesh Kumar Singh and Shiv Kumar Singh are also
alleged to have fired.

Learned counsel for the petitioner submits that the

petitioner has got inimical terms with the deceased. The petitioner has earlier filed Saksohra P.S. case No. 29/2014 under section 409 and other sections of the IPC against Baby Rani, the wife of the deceased, and others. The deceased was a veteran criminal and he might have been killed somewhere else. The informant did not sustain any injury. None of the independent eye witnesses has been examined.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that there is specific allegation against the petitioner that he fired and as many as 11 fire arm injuries were found on the body of the deceased and independent witnesses were examined during the course of investigation.

Taking into consideration the nature of allegation and the fact that the petitioner also fired along with other accused persons killing Viveka Yadav on the spot and Viveka Yadav received as many as 11 fire arm injuries, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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