

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30648 of 2014

Arising Out of PS.Case No. -110 Year- 2013 Thana -PIPRAKOTHI District- EAST CHAMPARAN
(MOTIHARI)

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Chuman Singh @ Rahul Singh @ Rahul Kumar Singh son of Ramchhabila
Singh @ Raj Kishore Singh, Resident of Village - Rudal Pakari, Police
Station - Pipra Kothi, District - East Champaran at Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 09-01-2015 Heard both sides.

The petitioner seeks regular bail in Pipra Kothi P.S.
Case No. 110 of 2013 under Sections 147, 148, 149, 323, 302 of
the Indian Penal Code and Section 27 of the Arms Act.

One Jitendra Kumar Singh alleged that on
16.05.2013 he along with his elder brother Mahesh Singh went to
the house of Shatrughan Singh. Akhilesh singh, Chuman Singh @
Rahul Kumar Singh and Baban Singh were armed with guns and
country-made pistols. They made indiscriminate firing and his
brother received firearm injuries. Chhabila Singh, Nand Kishore
Singh, Sonu Kumar, Bhushan Singh, Brajesh Singh, Shivji Singh
and Dhruv Singh thereafter assaulted his brother with sticks. The
informant brought his brother to Budha Hospital, Kali Mandir

Road, Patna where his brother died on 27.05.2013.

Learned counsel for the petitioner submits that the occurrence is of 16.05.2013, but the F.I.R. was lodged on 02.06.2013. From the side of the petitioner, Pipra Kothi P.S. Case No. 100 of 2013 was registered on the Fardbeyan of Bipin Kumar Singh in which he alleged that Shatrughan Singh and others came and the firing made by Sona Singh did not hit anybody, but the firing made by Chintu Singh hit Amit Kumar on his head and he died.

It is further submitted by the learned counsel that the deceased Mahesh Singh got 7 injuries. The doctor has opined that the death is on account of Haematoma found in the parietal region. The injury is said to have been caused due to assault by lathi. All the persons, who are said to have wielded lathi, have been granted bail. The petitioner is in jail since 10.03.2014.

Of course, it appears that there is case and counter-case and a case from the side of the petitioner was also lodged in which Amit Kumar Singh sustained injuries and died, but the present case is admittedly lodged after 16 days of the occurrence and there is specific allegation against the petitioner and two others against whom the police found the case not true that they made firing which hit Mahesh Singh and Mahesh Singh died.

Considering the facts aforesaid and the fact that there is specific allegation that the petitioner fired which hit the deceased, I am not inclined to enlarge the petitioner on bail at this stage in Pipra Kothi P.S. Case No. 110 of 2013, pending in the court of the learned Chief Judicial Magistrate, East Champaran at Motihari.

Accordingly, the prayer for bail is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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