

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39025 of 2014

Arising Out of PS.Case No. -49 Year- 2014 Thana -KAUAKOL District- NAWADA

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Birendra Singh S/o Sudeshi Singh @ Sidheshwar Singh Resident of Village
Rustampur, P.S. Kawakole, in the District of Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rana Pratap Singh, Sr. Advocate.

For the Opposite Party/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-04-2015

Heard both sides.

The petitioner seeks bail in Kawakole P.S. Case No.
49 of 2014 under Section 302 and other sections of the Indian
Penal Code.

The informant named the petitioner and alleged that
while he was returning along with his brother Narayan Singh and
Mausa Ramanuj Singh, he saw that the petitioner along with other
accused persons made indiscriminate firing on his mother and
brother Gopal Singh. They died on the spot.

Sri Rana Pratap Singh, learned Senior Counsel for
the petitioner, submits that the informant does not appear to be an
eye witness of the occurrence. In his further statement, the
informant himself admitted that when he reached at the place of
occurrence, he saw the petitioner fleeing away and his mother and

brother were lying injured. Similar is the statement of Narayan Singh in para 13 and Ramanuj Singh in para 14 of the case diary.

On the other hand, learned counsel for the informant as well as learned A.P.P. have stated that the informant as well as Narayan Singh and Ramanuj Singh have seen the petitioner along with other accused persons, having arms in their hands, fleeing away from the place of occurrence immediately after the occurrence. The mother and the brother of the informant were lying injured. Similar is the evidence of Shyamli Singh, Anirudh Singh and Mukesh Singh. Of course, they made statements before the police at a belated stage. It is further submitted that the petitioner and his brother made attempts four times to kill the brother, mother and other family members of the informant but they could not succeed. For that, Kawakole P.S. Case Nos. 72/2012, 107/2012, 108/2012, 118/2012 were registered and this is the fifth attempt in which the petitioner and other accused succeeded in eliminating the mother and the brother of the informant.

Having considered the facts that the informant has stated that he heard the sound of firing and saw the petitioner fleeing away from the place of occurrence after making firing, other witnesses Narayan Singh and Ramanuj Singh have also

stated the same facts and they have very categorically stated the petitioner and others also earlier made attempts four times to kill the family members of the informant, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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