

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33247 of 2014

Arising Out of PS.Case No. -13 Year- 2014 Thana -RANIYATALAB District- PATNA

1. Mithilesh Singh @ Mithilesh Kumar son of Baleshwar Singh resident of village of Dulahpur Janapara P.S. Rani Talab District Patna .

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46890 of 2014

Arising Out of PS.Case No. -13 Year- 2014 Thana -RANIYATALAB District- PATNA

1. Sadhu Ram @ Kundan Kumar @ Kundan S/o Sri Baban Ram Resident of Dularpur Janpara, P.S. Rani Talab, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49091 of 2014

Arising Out of PS.Case No. -13 Year- 2014 Thana -RANIYATALAB District- PATNA

1. Pappu Singh Son of Late Harpal Singh resident of village - Janpara, P.S. - Rani Talab, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33247 of 2014)

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Dr. Kr. Uday Pratap(App)

(In Cr.Misc. No.46890 of 2014)

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Durgesh Nandan(App)

(In Cr.Misc. No.49091 of 2014)

For the Petitioner/s : Mr. Kumar Uday Singh

For the Opposite Party/s : Mr. Murlidhar(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 16-04-2015

Heard both sides.

Petitioners seek their bail in Rani Talab P.S.Case No.13 of 2014 registered for the offences punishable under Sections 302, 120B, 34 IPC and Section 27 of the Arms Act.

The informant named the petitioners along with other accused persons and alleged that Pappu Singh fired which hit his wife, who died on the spot. Mithilesh Singh alias Mithilesh Kumar opened fire which hit Ujjwal Kumar, the grand son of the informant, on his nose and there is no allegation of any overt act against accused Sadhu Ram alias Kundan Kumar alias Kundan.

It is submitted that Ujjwal Kumar did not receive any fire arm inquiry. The doctor has opined that the injury has been caused by hard and blunt substance and is simple in nature.

Learned counsel, appearing on behalf of petitioner Pappu Singh, has submitted that the first information report is doubtful as the police got information that a lady was killed and thereafter the police arrived at the place of occurrence, prepared inquest report and after 2.1/2 hours the written petition of the informant was received, which creates reasonable doubt about the veracity of the contents of the written petition submitted by the informant. It is submitted that one lady who was running a liquor shop, had altercation with the informant and she might have got the wife of the informant killed.

On the other hand, learned counsel for the informant as well as learned APP submitted that the son of the informant is married with the daughter of the uncle of Mithilesh Singh alias Mithilesh Kumar, who had no male child. Mithilesh Singh wants

to grab the land of the informant and that is why, the occurrence took place.

Having considered the facts that the informant made specific allegation against petitioner Pappu Singh that he fired which hit the wife of the informant and she died on the spot, I am not inclined to enlarge him on bail and accordingly, the same is **rejected**.

The trial court is directed to expedite the trial, if possible, within one year from the date of receipt or production of a copy of this order.

So far as the case of petitioners Mithilesh Singh alias Mithilesh Kumar and Sadhu Ram alias Kundan Kumar alias Kundan is concerned, Mithilesh Singh is alleged to have fired which hit the nose of the grand son of the informant but the doctor has found one simple injury caused by hard and blunt substance and the medical evidence does not support that. There is no allegation of assault or any overt act against petitioner Sadhu Ram alias Kundan Kumar alias Kundan and accordingly they are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri Uma Shankar, Judicial Magistrate, Ist Class, Danapur, Patna in connection with Rani Talab P.S.Case No. 13 of 2014.

(Prabhat Kumar Jha, J.)

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