

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7088 of 2016

Arising Out of PS.Case No. -173 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

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Shyam Singh @ Shyam Kumar @ Chote Lal Singh, S/o Awadhesh Singh,
Resident of Village- Khutahadih, P.S.- Barahiya, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 11-04-2016 Heard Sri Pramod Singh, learned counsel, who was

assisted by Sri Parmanand Prasad Narayan Sahi, learned counsel

for the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in Barahiya P.S. Case
no.173/14 registered for the offence under Section 147, 148, 149,
452, 302, 120(B)/34 of the Indian Penal Code and Section 27 of
the Arms Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that the petitioner was only seen, while fleeing away after the
occurrence, by the informant, whereas the deceased was sleeping
with his daughter, who had seen the occurrence and she has made
specific accusation against one of the accused, namely, Pankaj
Singh, who had fired. Said Pankaj Singh has been granted bail by

this Court vide Cr.Misc.No. 47176 of 2015. He further submits that in identical situation, one of the co-accused, namely, Sudhir Singh, who was seen, while fleeing away, has also been granted bail by a Bench of this Court and, as such, the petitioner deserves to be released on bail on the principle of parity.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. In the F.I.R. itself a very shocking fact has been disclosed by the informant, which suggests that since long family members of the informant were done to death by some of the accused persons. Even recently, the brother of the husband of the informant was done to death, in which the husband of the informant had lodged a case. After lodging the case, her husband and family members were regularly being pressurized by the accused persons. The petitioner has also been named as one of the accused, who was repeatedly threatening for withdrawal of the case. In the F.I.R. itself, it is evident that number of family members of the informant side were done to death by the accused persons. Due to threat, the informant with her husband and other family members were residing at a different place in a rented house. On the date of occurrence, while her husband was sleeping on the roof along with his daughter and she was sleeping in the room, she heard sound of indiscriminate firing

and from window she had seen accused persons fleeing away, in which the petitioner was also seen as one of the accused persons. Thereafter, on the basis of fardbeyan of the informant, an F.I.R. was lodged against the accused persons including the petitioner. It is true that some of the accused persons, even against whom there was serious accusation than the petitioner, have been granted bail, the Court, on perusal of record, is of the opinion that in a case, where murder had taken place due to refusal of withdrawal of the prosecution case, certainly in normal course, it would not be a case for granting such privilege. In the F.I.R., the name of the petitioner has been disclosed to show that prior to the occurrence, the informant and husband of the informant were pressurized by the accused including the petitioner. At the time of occurrence, the petitioner was seen, while fleeing away and, as such, I am not inclined to extend the privilege of bail.

The petition stands dismissed even though others in similar situation have been granted bail.

(Rakesh Kumar, J)

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