

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41326 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -AKBARPUR District- NAWADA

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Bipin Kumar, Son of Late Ragho Singh, Resident of Village - Gangta, P.S.
Akbarpur, District - Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sidhendra Narayan Singh, Advocate.

For the Opposite Party : Ms. Asha Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-12-2016 Heard both sides.

The petitioner apprehends his arrest in Akbarpur P.S.
Case No. 77 of 2016 registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant father of the deceased alleged that Bipin
Kumar, the candidate of Mukhiya has threatened his son Tinku
Kumar that if he worked as polling agent of Pappu Kumar Singh
he would be killed. The election was over. The informant was
sitting with his son and Rabindra Singh on the roof. The accused
persons including the petitioner and other unknown persons came,
abused and it is alleged that the petitioner fired which hit on the
scapular region of son of the informant. While the son of the



informant was being taken to PMCH he succumbed to injuries.

Learned counsel for the petitioner submits that the story is quite different. The informant stated that it was the petitioner who fired but the wife and the mother of the deceased made allegation of firing against another accused. The investigating officer has not taken statements of mother and widow of the deceased. The supervising authority took the statements of the mother and the widow of the deceased. The petitioner also filed representation before the higher authority claiming that he was not present at the place of occurrence on the time of occurrence but no action has been taken as yet. The post-mortem report also does not support the ocular version of the informant.

On the other hand, learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail of the petitioner.

It appears that the informant has made very specific allegation that the petitioner and other accused persons came to the roof where the informant, his son and Rabindra Singh were sitting, when son of the informant asked them not to abuse the petitioner fired which hit just below left shoulder of his son. The witnesses examined during course of the investigation have reiterated the same facts. From perusal of the post-mortem report,



it appears that there was charred lacerated wound 1"x1"x chest cavity at left scapular wound of margin inverted (entry of wound) oval cacerated 3"x2"x chest cavity deep. Both the injuries are communicating to each other. It appears that the informant has also stated that the shot hit just below the left shoulder scapular region of his son and the post-mortem report corroborates the ocular version of the informant. Emphasis is laid on the supervision note of the Dy.S.P. and S.P., the supervision note is made for the purpose of the investigating officer to follow the directions, if any. The same is of no use at trial of the case.

Considering the facts aforesaid that there is specific allegation against the petitioner that he fired, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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