

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26618 of 2016

Arising Out of PS.Case No. -8 Year- 2014 Thana -KHUSRUPUR District- PATNA

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Dhananjay Singh, son of Yogendra Singh, resident of village Sukerbeg
Chak, P.S. Khushrupur, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-09-2016

Heard learned counsel for the Petitioner and the

learned counsel for the State.

The Petitioner seeks bail in Khushrupur P.S. case No.08 of 2014 corresponding to Sessions Trial No.352 of 2015 instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Additional District & Sessions Judge IVth at Patna City, Patna.

The prosecution case, in brief, is that the accused persons including the petitioner came at the door of the informant having armed with deadly weapons. The petitioner and co-accused Niranjay Singh opened indiscriminate firing upon Rajesh Kumar, who sustained grievous injuries and he fell down on the ground after being injured. It is further alleged that co-accused Sanjay Singh and Raushan Singh made indiscriminate firing on Ram Janam Singh, who sustained injuries and fell down. Both the

injured were taken to Hospital, but on the way both have died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.2.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The statements of the informant made in the F.I.R. and in course of investigation are contradictory to each other.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is specific allegation against him in the F.I.R. for firing upon the deceased Rajesh Kumar along with one co-accused Niranjana Singh. The petitioner is one of the assailants. It is a double murder case. In the re-statement also the informant has alleged against the petitioner for firing upon the deceased Rajesh Kumar. The postmortem report also indicates that the deceased had died due to firearm injury. The other eye witnesses in course of investigation have supported the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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