

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51489 of 2015

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1. Manil Singh @ Manil Kumar Singh Son of Ram Bilash Singh @ Ramjee Singh resident of village - Sona - Gopalpur, Police Station - Gopalpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 11-04-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 307, 302, 447, 504 and 120 (B) of the I.P.C and sections 27 and 30 of the Arms Act.

Allegedly, for taking possession over the land the petitioner and other co-accused being armed came, started indiscriminate firing and the petitioner shot the father of the informant in his stomach and when the informant tried to rescue him co-accused Anil Singh shot upon the informant which hit in his hand. The father of the informant succumbed to the injuries.

Submission is of false implication and that in the First



Information Report earlier it is not mentioned that the petitioner was armed with any weapon but later on against him allegation has been made, the land in question has been coming in possession of the accused side since long and the informant's side were the aggressor, inquest report and the postmortem report are not consistent with the allegation as made in the First Information Report and the petitioner is suffering in custody since 23.03.2015, whereas, co-accused Ram Bilash Singh @ Ramjee Singh and Anil Singh @ Anil Kumar Singh have already been allowed bail, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the petitioner is the assailant, during investigation the witnesses have supported the allegation and further the inquest report and the postmortem report also supports that the father of the informant was shot in the stomach and earlier the petitioner was also an accused in Gaurichak P.S. Case No. 134 of 2010 registered under sections 302 and other allied sections of the I.P.C, it is submitted on behalf of the petitioner that in that case the petitioner has already been acquitted.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and

accordingly his such prayer stands rejected at this stage in connection with Gopalpur P.S. Case No. 131 of 2014 pending in the court of Smt. Gayatri Kumari, J.M. 1st Class, Patna.

(Jitendra Mohan Sharma, J)

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