

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14901 of 2017

Arising Out of PS.Case No. -110 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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1. BITTU SINGH @ BITTU KUMAR, Son of Late Ram Chandra Singh.
2. Agam Singh, Son of Late Ram Chandra Singh.
3. Sri Ram Singh, Son of Late Ram Balak Singh @ Gully Singh.
4. Mohit Kumar, Son of Arun Singh, All are Resident of village- Ramdiri
Tola Nakti, P.S.- Matihani, District- Begusarai. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mrs. Smt. Reena Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 15-05-2017 Heard both sides.

The petitioners seek bail in Matihani P.S. case No. 110 of 2015 under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

Ramakant Singh, father of deceased Shravan Kumar, named six persons and alleged that they along with 10-15 unknown persons assaulted his son, Shravan Kumar, and Kanhaiya Kumar Singh. On alarm, the informant and others went there but the accused persons fled away firing guns.

Sri Ajay Kumar Thakur, the learned counsel for the petitioners, submits that there is a counter version being Matihani P.S. case No. 111 of 2015 under Section 307 and other Sections of the IPC and under Section 27 of the Arms Act. Ranjit Singh @ Dhongal Singh alleged that Ramakant Singh, the informant, Shravan Kumar, Chunchun Kumar, another son of Ramakant



Singh, and Kanhaiya Kumar were coming armed with different weapons. The informant asked reasons on such Shravan Kumar fired which hit on his left hand. It is submitted that before the occurrence Shravan Kumar and Kanhaiya Kumar Singh stopped the girls of Nakti Tola High School. The people protested. They fired which hit at the villager, Agam Singh. then the villagers chased and assaulted Shravan Kumar and Kanhaiya Kumar Singh. It is submitted that police after investigation submitted charge sheet under Section 304 of the IPC. Similarly situated accused Ranjit Singh @ Dhongal Singh, informant of Matihani P.S. case No. 111 of 2015, has already been enlarged on bail by the learned 6th Additional Sessions Judge-Begusarai. It is submitted that informant is not an eye witness of the occurrence. He came on the place of occurrence later on. The place of occurrence is the village of informant of Matihani P.S. case No. 111 of 2015, i.e., Ramdiri, Nakti Tola. There is omnibus and general allegation of assault against the petitioners but from perusal of the records, I find that the informant, father of deceased, Shravan Kumar, made allegation that all the accused persons indiscriminately assaulted his son, Shravan Kumar, and Kanhaiya Kumar Singh. The son of informant died on the spot. Ranjit Singh @ Dhongal Singh, informant of Matihani P.S. case No. 111 of 2015. has stated that informant, Ramakant Singh, was also accompanying his son, Shravan Kumar and Chunchun Kumar along with Kanhaiya



Kumar Singh when the occurrence took place. The post mortem report shows that Shravan Kumar and Kanhaiya Kumar Singh got as many as five and seven injuries respectively on their person. Shravan Kumar died on the spot and Kanhaiya Kumar Singh succumbed to the injuries in hospital. It appears that petitioners are alleged to have indiscriminately assaulted two persons and killed them.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on bail, at this stage. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Begusarai is directed to ensure the attendance of prosecution witnesses of Matihani P.S. case No. 110 of 2015 in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioners may renew their prayer for bail.

Let a copy of this order be sent to learned trial court as well as Superintendent of Police, Begusarai for information and needful.

(Prabhat Kumar Jha, J)

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