

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12436 of 2017

Arising Out of PS.Case No. -549 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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CHIRIYA SINGH @ CHIRANJIV KUMAR @ CHIRAIYA SINGH

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 02-05-2017

Heard both sides.

The petitioner seeks bail in Begusarai Town P.S. case No. 549 of 2016 under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that, while she was going to purchase household articles for her children, she heard sound of crying of her husband, Randhir Kumar @ Bipin Sah. She went there and saw that Deonandan Sah, Shiv Sah and Ranjit Sah were catching her husband and they fired in the head of the deceased. Ram Vinay Paswan fired on the chest of deceased. Thereafter, Pappu Paswan, Ranjit Kumar @ Shukla, Mantun Yadav and Chiriya Singh, the petitioner, made indiscriminate firing on the deceased, Randhir Kumar @ Bipin Sah.

The learned counsel for the petitioner submits that



informant alleged that three persons, namely, Deonandan Sah, Shiv Sah and Ranjit Sah are alleged to have fired in the head of the deceased. Thereafter, Ram Vinay Paswan fired on the chest of deceased. The informant named the petitioner along with Pappu Paswan, Ranjit Kumar @ Shukla and Mantun Yadav and alleged that they also made indiscriminate firing but only five injuries are found on the body of deceased. There is omnibus and general allegation against the petitioner. It is further submitted that in paragraphs 36, 37 and 38 of the case diary, three witnesses, who are arrayed as eye witnesses of the occurrence, did not name the petitioner. It is submitted that only incriminating articles found against the petitioner is recovery of mobile of the petitioner and the mobile, on being tracked, showed that petitioner had talk with Mantun Yadav. It is submitted that petitioner is driver and he was in contact with Mantun Yadav but from perusal of the FIR as well as case diary, it appears that Deonandan Sah, Shiv Sah and Ranjit Sah are alleged to have fired in the head of deceased but no fire arm injury was found in the head rather injury was found on the neck of the deceased. Thereafter, the petitioner and others are alleged to have made indiscriminate firing and altogether five injuries, which are wounds of entry, are found on the different parts of the body of deceased. The petitioner is also one of the



persons, who is alleged to have made indiscriminate firing. One mobile was recovered from the possession of the petitioner and, on tracking of mobile, it transpired that location of mobile, which was possessed by the petitioner, was in the vicinity of the place of occurrence and he had talk with Mantun Yadav.

Considering the fact that petitioner is also alleged to have made indiscriminate firing causing the death of husband of informant, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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