

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55165 of 2016

Arising Out of PS.Case No. -345 Year- 2016 Thana -DANAPUR District- PATNA

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Rishi Deo Singh, Son of Late Arjun Singh, Resident of Mohalla – Gola
Road, Vishal Mega Mart, P.S. – Danapur, District – Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishan Pd. Singh, Sr. Advocate.

Mr. Deepak Kumar Singh, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-03-2017 Heard Shri Krishan Prasad Singh, learned senior
counsel for the petitioner, learned APP for the State and learned
counsel for the informant.

The petitioner seeks bail in Danapur P.S. Case No. 345
of 2016, registered for the offences punishable under Sections 302
and 120B of the Indian Penal Code and under Section 27 of the
Arms Act.

The informant alleged that on 17.08.2016 at about
05:30 in the evening while she was in her balcony of the house
and her father-in-law was in the room in front of the house of the
informant. Dinesh Singh, Rishideo Singh, the petitioner and
Chhotu Singh and others having armed with firearms came and
made indiscriminate firing on her father-in-law. The informant and
others brought her father-in-law to hospital where he was declared



dead.

Mr. Krishna Pd. Singh, learned senior counsel for the petitioner submits that the daughter of the petitioner was kidnapped by the son of the informant for that a case was registered, but the daughter of the petitioner made her statement under Section 164 Cr.P.C. and she is living with her husband in Delhi and that is why the petitioner has falsely been implicated in the case. It is further submitted that in paragraph-11 of the case diary place of occurrence is described and it would appear that the informant could not get full view of the occurrence as the place of occurrence is very far away from the house of the informant. The investigating officer did not examine any independent witnesses. Sanjay and Arvind have not been examined by the investigating officer. The widow of the deceased was examined in paragraph 42 of the case diary. Similarly situated co-accused Ritesh Bhartiya (in Cr. Misc. No. 43520 of 2016) and Anil Kumar (in Cr. Misc. No. 43485 of 2016) have already been granted bail.

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

On perusal of the FIR, itself, it appears that the informant very categorically disclosed the name of the petitioner



and alleged that the petitioner and others made indiscriminate firing who were accompanying with some unknown persons. From perusal of the inquest report as well as the post-mortem report, it appears that the deceased got as many as four firearm injuries which are wound of entry.

Considering the facts aforesaid and the fact that in view of the specific allegation that the petitioner fired on the deceased, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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