

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29504 of 2018

Arising Out of PS.Case No. -501 Year- 2014 Thana -Runisaidpur District- SITAMARHI

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Sonu Kumar @ Abhishek Kumar Son of Arun Singh@ Arun Kumar Singh
Resident of Village- Madhaul, P.S. Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-06-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner, who is in custody since 07.12.2017,
seeks bail in connection with Runnisaidpur P.S. Case No. 501 of
2014 registered for the offences punishable under Sections 302,
307, 120 (B)/34 of the Indian Penal Code and 27 of the Arms Act.

The informant of this case in his fardbeyan given
before Runnisaidpur Police Station has stated that on 06.11.2014
when he along with his brother and brother's wife (Bhabhi) was
returning their home from the court, the accused persons boarded
on two motor cycles reached and started indiscriminate firing upon
them resulting which the Bhabhi of the informant died on the spot.
The informant and his brother fell down and they also



sustained firearm injury. The injureds were moved to hospital for treatment.

It has been submitted that the allegation of firing is omnibus against six persons. The petitioner was allegedly driving the motor cycle and so it was not possible for him to shot firing. The petitioner had no motive to commit murder. Prior to filing of this case, the son of the deceased had kidnapped the daughter of co-accused Bachcha Singh for which Runnisaidpur P.S. Case No. 108 of 2014 was registered. The informant and his family members again committed overt act for which Runnisaidpur P.S. Case No.212 of 2014 was registered. Thereafter the police lodged a case against the prosecution party vide Runnisaidpur P.S. Case No. 316 of 2014. The son of the deceased is in jail facing trial and so in order to harass the petitioner and get the matter settled, the petitioner has falsely been implicated in this case. The co-accused Bachcha Singh and Santosh Singh who allegedly hurled threat to the prosecution party, have been allowed bail/anticipatory bail. The allegation against this petitioner is omnibus and so he deserves bail.

The learned Additional Public Prosecutor, on the other hand, vehemently opposed the bail submission. It has been submitted that there is specific allegation of firing by this



petitioner. The bail prayer of other co-accused, namely, Chanchal Kumar having similar allegation has been rejected by a coordinate Bench of this Court in Cr. Misc. No. 22796 of 2016 and so the petitioner does not deserve bail.

On perusal of FIR and the case diary it appears that the petitioner is named in the FIR with specific allegation that he shot firing on the deceased and her husband. The petitioner is accused in one more case bearing Gaighat Police Station Case No. 173 of 2017 u/s 364/511 I.P.C. and 27 of Arms Act.

Considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. His bail prayer stands rejected.

(Sanjay Kumar, J)

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