

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21853 of 2018

Arising Out of PS.Case No. -114 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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Dilip Singh S/o Ramchandra Singh, R/o Village- Sihma, P.S.- Matihani,
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 12-06-2018 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application has been filed for the grant of regular bail to the petitioner in connection with Matihani P.S. Case No. 114/2015 for the offences punishable under Sections 147, 148, 149, 452, 302 of the Indian Penal Code pending in the court of learned Judicial Magistrate – 1st Class, Begusarai.

Learned counsel for the petitioner submits that this petitioner had been falsely implicated in the present case because of some prior enmity. It is also submitted that the deceased was a dreaded criminal who was involved in a murder case and had come out from jail only recently and therefore his murder by some unknown criminals cannot be



ruled out. Referring to certain paragraphs of the case diary, learned counsel submits that in course of investigation the statement of the informant does not support his case to be an eye witness of the occurrence. He has also submitted that in course of investigation police has found the mobile tower location of one Roushan Kumar near the place of occurrence in the village and in fact a call from his mobile to another mobile which is in the name of the mother of the deceased had also materialized which shows that there had been some talking between two sides. According to learned counsel, the investigation reveals that there had been some illicit relationship between the wife of the deceased and the said Roushan Kumar and because of that relationship the wife of the deceased is saving said Roushan Kumar and has falsely implicated this petitioner. In this connection, learned counsel has referred the statement recorded under Sections 161 Cr.P.C. in paragraphs 10, 44, 93, 99 and 152 of the case diary.

It is submitted that even though the petitioner is an accused in altogether nine cases as disclosed in paragraph-3 of the application, but he is on bail in all those nine cases and since 2009 there was no fresh case against



this petitioner.

On the other hand, learned Additional Public Prosecutor representing the State submits that even though the petitioner is named in the F.I.R. and there are at least two eye witnesses including the informant who had stated that this petitioner was one of the persons who had entered in the house of the informant and had indulged in indiscriminate firing upon the deceased, the petitioner has only been arrested recently on 24.12.2017. It is submitted that in course of post mortem at least six wounds of entry have been found on the dead body of the deceased apart from recovery of two live cartridges and five empty cartridges from the place of occurrence. It is also submitted that in view of the identification of the petitioner by the two eye witnesses considering that he has only been arrested recently, the petitioner does not deserve to be enlarged on bail.

In course of argument, learned counsel for the petitioner has relied upon the fact that the co-accused Prince Kumar has been granted bail by a co-ordinate Bench of this Court. It is his submission that in course of investigation it has revealed that the said Roushan Kumar along with Prince Kumar had been involved in commission of the



murder of the deceased and therefore considering that the said Prince Kumar has been enlarged on bail, this petitioner be also allowed privilege of bail by this court. This has however been opposed by learned counsel representing the State who submits that the said Prince Kumar was not named in the F.I.R. and in the facts of the case wherein he was neither identified by the informant nor there was any direct evidence coming in the case diary, if the co-ordinate Bench of this court has granted privilege of bail to the said Prince Kumar, his case cannot be equated to the case of the present petitioner.

Having considered the submissions made at the bar, I am of the considered opinion that in the nature of the allegations wherein the informant who is the brother of the deceased and also the wife of the deceased are claiming that they have identified this petitioner amongst other named accused in the F.I.R. who had been involved in indiscriminate firing killing the brother of the informant and the fact that several injuries have been found on the dead body as also that the petitioner has only been arrested recently and the charges have already been framed, I am not inclined to enlarge the petitioner on regular bail.



Accordingly, prayer for regular bail is rejected.

The trial court is directed to expedite the trial and ensure early conclusion of the trial preferably within a period of nine months from today. All concern including the Public Prosecutor and Superintendent of Police, Begusarai are expected to cooperate in early conclusion of the trial by producing all the witnesses on the dates fixed in the matter.

Accordingly, this application stands disposed off.

(Rajeev Ranjan Prasad, J.)

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