

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20638 of 2018

Arising Out of PS.Case No. -239 Year- 2017 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Suresh Kumar @ Suresh Singh, S/o Jagdish Singh, resident of Village-
Paharpur, P.S. Mahua, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-05-2018

Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Mahua PS case no. 239 of 2017 instituted for the offences
punishable under Sections 307, 302 and other sections of Indian
Penal Code and 27 of Arms Act.

The case of the prosecution in brief is that the
informant has alleged that his father had purchased 13 *dhoors* of
land from one Motilal Singh at Paharpur on which, one room was
already constructed and now, he was getting a boundary wall
constructed after having come on leave from Sheohar district
where he is a government teacher. It is further alleged that on
26.09.2017 at 9 am in the morning, the father of the informant, his



cousin brother, his uncle, his nephew were together sitting on the land under construction while the brother of the informant namely Pankaj Kumar was getting the pillar constructed through 3-4 labours and in the meantime, the accused persons including the petitioner herein, variously armed, came at the land under construction and told the father of the informant to stop the work whereupon, the father of the informant told them that he had purchased this land and he has got papers for the same, hence the work would be stopped. Thereupon, the co-accused namely Sanjeet Rai and Krishna Kr. Bhargav told Sanjay Rai to shoot the father of the informant, whereupon Sanjay Rai fired several rounds from his arm on the father of the informant resulting in death of the father of the informant. It is further alleged that the petitioner herein along with Moti and Arbind had also fired from their arms which hit the father, cousin brother and uncle of the informant resulting in all the three becoming grievously injured. Subsequently, the father of the informant died.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case on account of land dispute. It is further submitted that the petitioner is having a clean antecedent.



I have perused the materials on record as well as the case diary and I find that the complicity of the petitioner herein in the alleged crime is writ large. The allegation is serious in nature. One person has been killed as well as there is direct allegation against the petitioner herein of firing from the arms being held by him. I also find that apart from the deceased father of the informant, the cousin brother of the informant namely Shankar Singh and uncle of the informant namely Dinesh Prasad have sustained firearm injuries which are attributable to the petitioner as well and the injury report annexed to the case diary shows that both the said Shankar Singh and Dinesh Singh have received firearm injuries, hence the allegation against the petitioner, prima facie, stands supported by the medical evidence.

For the reasons mentioned hereinabove as also considering the gravity of the offence committed by the petitioner herein, I find that the present case is not a fit case for grant of regular bail, hence the prayer for grant of bail of the petitioner is rejected.

(Mohit Kumar Shah, J)

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