

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7210 of 2019

Arising Out of PS. Case No.-118 Year-2017 Thana- LALGANJ District- Vaishali

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Sonu Kumar Singh @ Sonua @ Sonu Kumar, Son of Arun Singh, Resident of village Kanti, P.S. Lalganju, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mr.Amarendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-02-2019 Heard both sides.

Petitioner apprehends his arrest in Lalganj P.S. Case No.118 of 2017, registered under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant is the own brother of the deceased. The informant alleged that in the night at about 10.15 P.M. when he was returning after attending the marriage ceremony and reached near flour mill and *kirana* shop of his brother Dhananjay Kumar Singh, he heard a sound of firing coming from inside the shop. Two persons were riding on a motorcycle on which he identified one Sonu Kumar, Son of Arun Kumar Singh who was armed with pistol. The informant went inside the shop and his brother disclosed that Sonua shot at him.

Learned counsel for the petitioner submits that the



informant gave his *fardbeyan* in the morning of 01.06.2017 in Sadar Hospital. On the same day Town P.S. Case No.370 of 2017 was registered on the basis of *fardbeyan* of Dr. Prashant Kumar and he disclosed that on 01.06.2017 at about 12.20 P.M. while he was sitting on emergency duty the relatives of the deceased asked him to treat and on such he found the injured dead but the relatives of the deceased abused and assaulted the doctor. The doctor gave information on 01.06.2017 that the injured came to the hospital in the morning at 12.20. It is submitted that the two versions, one by the doctor and another by the informant, gave contradictory picture about the occurrence. It is further submitted that the so called dying declaration has got no testimony but from perusal of the statement of Nawal Kishore Singh on the basis of which the present FIR is lodged and the statement of the doctor on the basis of which Town P.S. Case No.370 of 2017 was registered, it appears that the occurrence took place at about 10.15 in the night on 31.05.2017. The injured was brought at Sadar Hospital, Hajipur at 12.20 P.M. on 01.06.2017. There is no contradiction in the statement of the informant and the doctor about the time of occurrence. The informant saw the petitioner fleeing away from the place of occurrence having pistol in his hand and when



the informant went inside the shop, he found his brother lying in pool of blood and his brother disclosed the name of the petitioner as the person who shot at him. Consequently the brother of the informant died.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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