

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19667 of 2019

Arising Out of PS. Case No.-160 Year-2018 Thana- HATHUA District- Gopalganj

Karan Singh Son of Ram Pravesh Singh Resident of Village - Matihani
Madho, P.S.- Mirgnaj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-06-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/120(B), 34 of the Indian
Penal Code and 27 of Arms Act.

According to FIR, three person including the
petitioner came on a motorcycle and fired at Upendra Singh, the
brother of the informant, causing injury and death. The enmity
arising out of the last election was reason for the occurrence.
The Doctor has found three firearm injuries on the person of the
deceased.

Submission of learned counsel for the
petitioner is that in fact the informant is not an eye witness of
the occurrence and he posed himself as eye witness of the



occurrence after postmortem examination of the dead body.

The case diary would reveal that the witnesses of the locality stated that they heard sound of firing and when they came up they saw that a person was murdered and his dead body was lying thereat. Thereafter, police was informed. The police came and took the deceased for postmortem examination. None of the witnesses of the locality claim to have identified the assailants nor they have stated that the informant was present there. The inquest report and the seizure does not show that informant is also a witness of seizure and inquest rather the proprietor of the garage at the place of occurrence is witness.

Learned counsel for the informant opposed the prayer for bail on the ground that for the aforesaid infirmities, the eye witness cannot be disbelieved especially when the prosecution allegation is corroborated by the medical report as three consistent injuries were found on the person of the deceased.

Considering the aforesaid doubtful circumstance for the purpose of consideration of his bail matter, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending in connection with Hathua Police Station Case No.160 of 2018, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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