

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40312 of 2019**

Arising Out of PS. Case No.-14 Year-2019 Thana- TANKUPPA District- Gaya

SUNIL SINGH S/o Jatan Singh R/o village- Pipra, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tankuppa P.S. Case no. 14 of 2019, registered under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Mukesh Singh is said to have resorted firing on the temple of the son of the informant dragging him from Auto while rest three named accused persons including the petitioner resorted indiscriminate firing upon him and his son succumbed to the injury.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to



dirty village politics and animosity. Witnesses in various paragraphs of the case diary have stated that it is Mukesh Singh who resorted firing upon the deceased while petitioner and Santosh Singh were exhorting him to assault the deceased. Petitioner does not happen to be assailant. He has no criminal antecedent. Hence he may be enlarged on anticipatory bail.

On the other hand, learned APP for the State opposing the bail petition submitted that the petitioner along with other accused persons are said to have resorted firing upon the son of the deceased who succumbed to the injury. Several witnesses have stated that petitioner and Santosh Singh exhorted Mukesh Singh to resort firing upon the deceased. Witness in para-12 of the case diary has stated that petitioner and Santosh Singh were exhorting Mukesh Singh to resort more firing upon the deceased as he has not yet died. Doctor conducting the autopsy of the cadaver of the deceased has found altogether five injuries on the various parts of the persons of the deceased and has opined the cause of death as a result of aforesaid fire arm injuries. Hence the petitioner does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer



for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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