

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77000 of 2018

Arising Out of PS. Case No.-624 Year-2018 Thana- HAJIPUR District- Vaishali

Chandan Singh @ Chandan Kumar Singh Son of Late Lalan Singh, R/o
Village- Rambhadra, P.S. Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi Mr. Manish Chandra Gandhi
For the Opposite Party/s :		Mr.Sri Anant Kumar
For the informant	:	Mrs. Rashmi Bharti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
19.09.2018 in connection with Hajipur Town P.S. Case No.624
of 2018 registered for the offences punishable under Section
302/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, as per the written report of
Sunil Kumar submitted to S.H.O. Hajipur Town P.S. is to the
effect that on 03.09.2018 about 9:00 P.M., the son of the
informant Sanjeev Kumar Sinha was returning from Tempo
stand, Gandhi Chowk after completing the accounting, on the
way, east to the house of Late Ramadhar Sharma, some



unknown person fired on his abdomen naval, thereafter, few boys came running to informant's premises and conveyed him that someone has been shot, whereupon the informant reached on the spot and found his injured son. Subsequently, the informant's son was taken to Hajipur hospital, from where he was referred to Paras Hospital, Patna where doctor declared him dead, leading to registration of FIR against unknown. In subsequent statement recorded in paragraph 9, the informant raised suspicion against the petitioner. Since, the tender of the auto rickshaw stand Hajipur was awarded to the informant's son when the petitioner was also one of the bidders for the said tender.

It is submitted by learned counsel for the petitioner that admittedly, the victim was being shot at public place but there is no eye witness to the alleged occurrence. During investigation, no eye witness has been recorded by the investigating agency and in subsequent statement, the informant and others have raised suspicion against the petitioner. It is further submitted that in fact, the petitioner never participated in any bidding process within the District of Vaishali. The petitioner has relied upon the information procured under Right to Information Act, as contained in Annexure-9 whereby the



Nagar Parishad, Hajipur has supplied the information in 2012 to 2018 suggesting that the informant never appeared in any tender which suggests the basis of suspicion, has no legs to stand. Moreover, since the petitioner was known to the informant, there is no occasion to informant for not raising the suspicion in the First Information Report itself. Moreover, this fact has not been verified by the I.O. that whether the petitioner was awarded any tender of the auto Rickshaw stand and it is further submitted that confession of the petitioner and co-accused before the police has no evidentiary value as the same did not lead to any recovery.

Learned counsel for the State after going through the case diary and learned counsel for the informant submits that the subsequent statement of informant and other family members of the victim recorded by the police in para 10 of the case diary suggests that the petitioner due to the rivalry of getting the settlement of auto Rickshaw stand made a plan to kill the informant and he got informants' son killed by someone and this fact gets corroborated with the confession recorded in para 144 of the case diary. However, learned counsel for the State admits that there is no eye witness of the alleged occurrence, there is no recovery from the petitioner, moreover, I.O. has not made any



verification as to whether the petitioner was consignee of auto rickshaw stand or not. However, it is submitted by learned counsel for the informant that the petitioner is having criminal antecedent. It is further submitted that the petitioner is accused in three cases and he is on bail in all those three cases.

Considering the rival submissions of the parties, keeping in view of the fact that admitted position is that the informant and petitioner were known to each other from before and after raising suspicion, rivalry with regard to taking tender of the auto rickshaw stand but even suspicious was raised in the First Information Report and the information supplied by the Nagar Parishad under Right to Information Act prima facie suggests that the petitioner was never contender for any settlement from 2012 to 2018 coupled with the fact that the occurrence took place at public place but no eye witness account has been calculated by the I.O. and the fact that the investigation has already concluded and other accused persons whose name also sprang up on the basis of suspicion have been granted bail by a Co-ordinate Bench of this Court vide order dated 15.01.2019 passed in Cr. Misc. No.1861 of 2019 and Cr. Misc. No.77428 of 2018, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.624 of 2018.

(Dinesh Kumar Singh, J)

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