

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49035 of 2019

Arising Out of PS. Case No.-761 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bambam Singh Son of Ram Bahadur Singh, Resident of Village-Paspura,
P.S.-Muffasil, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-11-2019 Heard Sri Ajay Kumar Thakur, learned counsel

appearing on behalf of the petitioner and learned Addl.

Public Prosecutor.

The petitioner seeks bail in Begusarai (Muffasil)

P.S. Case No.761 of 2018 registered under Sections 302/34

of the Indian Penal Code and 27 of the Arms Act.

The informant, brother of the deceased, disclosed

that in the preceding night, at about at about 10 P.M., his

brother Mahesh Kumar Singh was sitting near Thakurwari

of the village with Gulshan Kumar, Kanhaiya Kumar and

Raja Kumar, the petitioner and other accused persons were

sitting at some distance, but after some time, Vipin Singh,



Alok Singh @ Mantu Singh, Chintu Singh, Kari Singh @ Karka and Deepak Singh came near his brother. Accused Vipin Singh, Chintu Singh and Deepak Singh caught hold his brother and, thereafter, accused Alok Kumar Singh @ Mantu Singh, Bambam Singh(the petitioner) and Kari Singh shot him dead.

Learned counsel for the petitioner submits that from perusal of the F.I.R. it appears that the informant is not an eye witness of the occurrence. He further submits that at 10 P.M. on 21.12.2018, there was dark and foggy night in the month of December. The informant disclosed that due to fear, he fled away and the occurrence was seen by his family members, who came there after hearing sound of firing and saw the accused persons. It is further stated that the deceased was sitting with so many persons and none of the persons, who is said to have been present at the place of occurrence, has been examined during course of investigation, but it appears that informant claims to be eye witness of the occurrence. It is alleged that the petitioner and two others made indiscriminate firing and killed the brother of the informant on the spot. Postmortem report



shows that there are three wound of entries on the body of the deceased besides the wound of exits.

Taking into consideration of the facts aforesaid and the fact that the petitioner is one of the assailants of the deceased, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, the learned C.J.M. is directed to commit the case to the court of Session and, thereafter learned Sessions Judge or Addl. Sessions Judge, in seisin of the case, is directed to hold trial on day to day basis and conclude the same within one year from the date of framing of charge. The Superintendent of Police, Begusarai is also directed to ensure attendance of witnesses, so that the trial may be concluded within one year from the date of framing of charge. If the trial is not concluded within one year from the date of framing of charge, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J.)

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