

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62263 of 2019**

Arising Out of PS. Case No.-56 Year-2019 Thana- TARARI District- Bhojpur

BINOD SINGH @ VINOD SINGH Son of Late Mukhtar Singh @ Late Haribhajan Singh Resident of Village- Saidanpur, P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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

ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Tarari P.S. case No. 56
of 2019 registered under Section 302/34 of the Indian Penal
Code.

Husband of the informant is said to have been
encircled by the petitioner and co-accused Ravi Kumar Yadav
on the way to his house from the P.S. and petitioner resorted
firing on the chest and stomach of her husband which proved
fatal. Her husband divulged the factum of resorting firing upon
him by the petitioner to the informant at PHC, Tarari.

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 this case due to animosity and dirty village politics. Informant is not the eye witness of the occurrence. As per the version of the informant, her husband divulged her about resorting firing upon him by the petitioner, but I.O. in Para-17 of the case diary has stated that the deceased divulged him about resorting firing upon him by the petitioner and co-accused Ravi Kumar Yadav. The occurrence took place on 30.03.2019 at 08:30 PM, but the dead body of the deceased was received on the same date at 10:15 PM. Aforesaid aspects of the case also create doubt about the prosecution case. Petitioner has been languishing in custody since 31.03.2019. Hence the petitioner may be enlarged on bail.

On the other hand, learned APP for the State opposing the bail petition submitted that as per the prosecution case, deceased has divulged the informant about resorting firing upon him by the petitioner on the way to his house and number of witnesses have supported the occurrence. Albeit I.O. has stated that the deceased divulged him about resorting firing upon him by the petitioner and co-accused Ravi Kumar Yadav, but the said statement of the I.O. has no bearing on the nature of the case as the deceased has sustained two bullet injuries, one on the chest and other on the stomach and both proved fatal and I.O.



while preparing inquest report has also found two injuries on the person of the deceased, hence the petitioner does not deserve 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.

(Prakash Chandra Jaiswal, J)

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