

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72213 of 2018

Arising Out of PS. Case No.-114 Year-2015 Thana- MATIHANI District- Begusarai

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Ramadhar Singh S/o-Late Siyaram Singh @ Gosain Jee, Resident of Village-
Sihma, P.S.-Matihani, Distt.-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
21.09.2018 in connection with Mathihani P.S. Case No. 114 of 2015
registered for the offences punishable under Sections 147, 148, 149,
452 and 302 of the Indian Penal Code.

Prosecution case as per the fardbeyan of Dharmendra
Kumar Singh recorded by S.I. of Mathihani P.S. is to the effect that
on 21.07.2015 in the night the informant was sleeping on the terrace
of his house, when his sister-in-law did not return home, upon while
the informant coming. Thereafter, the informant returned back and
again went to sleep on the terrace, when the five named accused
persons and 3-4 unknown persons entered into the house of the
informant and resorted to indiscriminate firing upon the brother of
the informant, whereupon the informant and other family members



raised hue and cry to seek help, whereupon the accused persons left the scene. The brother of the informant died consequent to the indiscriminate firing.

It is submitted by learned counsel for the petitioner that admittedly, the informant was on the terrace and hence he could not have witnessed the occurrence. Only on the basis of having heard the sound of firing, the accusation has been levelled. The similarity situated, other co-accused person has already been granted bail by learned Sessions Judge Ist, Begusarai.

Learned APP after going through the case diary submits that the informant in witnesses in para No.9, 26 and 28 have fully supported the prosecution case and the post mortem report reflects six injuries on the body of the victim. Now, the petitioner has been chargesheeted.

Considering the nature of accusations though accusation is against five persons, but considering the death of the informant's brother due to the indiscriminate firing resorted to by five named accused persons including this petitioner, this Court is not inclined to enlarge the petitioner on bail. However, the petitioner may renew the prayer for bail after framing of charges.

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(Dinesh Kumar Singh, J)

