

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8403 of 2020

Arising Out of PS Case No. 227 Year-2018 Thana- CHAUSA District- Madhepura

Sunil Singh (male) aged about 35 years, Son of Khantar Singh Resident of Village- Khoparia, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Dr. Amrendra Kumar, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Chausa PS Case No. 227 of 2018 dated 29.08.2018 instituted under Sections 302, 120B/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and others is of killing the brother of the deceased by firing.



5. Learned counsel for the petitioner submitted that the allegation against other co-accused is that they caught hold of the hands of the deceased whereas against the petitioner is that he first fired on the head of the deceased and thereafter, two other co-accused are said to have also fired on the head. Learned counsel submitted that as per the FIR itself, the deceased, after the firing made by the petitioner, asked him as to why he was shooting at him, which clearly indicates that the deceased did not die of the bullet fired by the petitioner, even if it is accepted that the petitioner had fired. It was submitted that in the postmortem also, two bullet injuries have been found inasmuch as, the doctor has found two entry and two exit wounds. Learned counsel submitted that the petitioner is in custody since 06.07.2019. It was submitted that there is false implication as the informant wants to grab the share of the deceased in the brick kiln in which the petitioner, the deceased and other accused were partners.

6. Learned APP, from the case diary, submitted that many eye witnesses have specifically stated about the petitioner firing on the head. It was further submitted that the petitioner is accused in 10 other criminal cases, all under serious sections. Learned counsel submitted that it is immaterial as to whether the firing made by the petitioner or the other two named co-accused



hit the deceased, as it is enough that the petitioner had also fired at the head and whether it hit or not is of not much consequence as clearly the intention was to kill, having aimed at the head while firing.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. Let the Court below expedite the trial.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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