

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1984 of 2020

Arising Out of PS. Case No.-118 Year-2017 Thana- LALGANJ District- Vaishali

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Sonu Kumar @ Sonu Kumar Singh, aged about 28 years, Male, Son of Arun Singh, Resident of Village-Kanti, P.S.-Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 11-06-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel

appearing on behalf of the petitioner and the learned Additional

P.P. on the bail petition through video conferencing.

The petitioner seeks bail in Lalganj P.S. Case No.118
of 2017, registered under Sections 302 and 34 of the Indian
Penal Code and under Section 27 of the Arms Act.

The informant, Nawal Kishore Singh, the brother of
the deceased, Dhananjay Kumar Singh alleged that while he was
returning to his house after the marriage party, he heard the
sound of firing inside the flour mill of his brother. The
informant saw that two persons were on a motorcycle and Sonu
Kumar was armed with a pistol. The informant did not identify
the person who was driving the motorcycle. When the informant
went inside the shop, the deceased disclosed that Sonua fired at



him. The informant saw the blood oozing from the chest of his brother. With the help of villagers, the informant took his brother to the clinic of Dr. Siyaram Rai situated near Lalganj market but the doctor seeing the injured in serious condition referred him to Sadar Hospital, Hajipur. Thereafter the informant took his brother to Sadar Hospital, Hajipur.

Mr. Ajay Kumar Thakur, learned counsel for the petitioner submits that admittedly occurrence took place on 31.05.2017 in the night in between 10 and 11 P.M. but it appears from para 3 of the case diary that the officer of the Lalganj P.S. immediately rushed to the place of occurrence after hearing about the occurrence and registering the *sanha* at about 12.15. Mr. Thakur further submits that from the inquest report, it would appear that the inquest was prepared at 12.20 minutes on 01.06.2017. It would appear that Lalganj P.S. registered fardbeyan of the informant in which the petitioner was not named. Later on, it would also appear from paragraph 41 and 42 of the case diary that a slipper was found near the place of occurrence. The slipper was identified to be of others. The CDR of mobile of the petitioner was also taken and it was found that the petitioner at the time of occurrence was somewhere else. This fact shows that the petitioner has falsely been implicated in



the case, but from perusal of the FIR and the case diary, I find that the informant who recorded his fardbeyan on 01.06.2017 disclosed that he saw the petitioner, who was pillion rider, on a motorcycle and he was having with a pistol in his hand. The informant did not disclose the presence of any police officer on the place of occurrence and at the clinic of Dr. Siyaram Rai where firstly the informant took his brother for first aid. The deceased before his death when his brother came inside the shop disclosed that it was the petitioner who fired which hit in his chest. During the course of inquiry the witnesses have also stated that it was the petitioner who fired causing the death of Dhananjay Kumar Singh.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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