

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6206 of 2020

Arising Out of PS. Case No.-351 Year-2019 Thana- JAHANABAD District- Jehanabad

UPENDRA SINGH Son of Late Soni Singh @ Ram Sohavan Singh Resident
of Village- Shahawajpur, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Vijay Anand

For the Opposite Party/s : Mr. Nagendra Prasad, APP

Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 10-11-2020 Heard Shri N.K. Agrawal, learned Senior counsel

appearing for the petitioner and Shri Anand Kishore Choudhary,

learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Jehanabad P.S. Case No. 351 of 2019 for the offence punishable
under Sections 147/ 148/ 149/ 302/ 120(b)/324 of the Indian
Penal Code and 27 of the Arms Act.

The case of the prosecution in brief is that on
05.05.2019, while the informant along with his father was
returning back, at around 6 P.M. in the evening, and had reached
in front of the house of the co-accused Devendra Singh, the
accused persons including the petitioner herein, variously
armed, came out of the house and caught hold of the father of



the informant, whereafter the informant had tried to flee away, however in the meantime, he saw that the petitioner herein, the co-accused persons namely Pawan Singh, Dharmendra Singh and Devendra Singh had grasped the father of the informant and had dragged him and taken him towards back side of the house of the said Devendra Singh and upon being exhorted by the co-accused person namely Grish Singh, the said four persons had fired gun shots on the father of the informant, resulting in his death.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is languishing in custody since 08.10.2019 and is having a clean antecedent. It is further submitted that the FIR has been registered belatedly and the witnesses namely Raja Yadav and Subodh Yadav have not fully supported the prosecution story. It is further submitted that co-accused person namely Gunjan Singh has been granted the privilege of bail by this Court.

Per contra, the learned Additional Public Prosecutor, appearing for the State, has vehemently opposed the prayer for bail of the petitioner.

I have heard the learned counsel for the parties and



perused the materials on record as also have gone through the case diary in question from which it is apparent that the petitioner and three other accused persons namely Pawan Singh, Dharmendra Singh and Devendra Singh are the main assailants, who had dragged the father of the informant towards back side of the house of the said Devendra Singh and had fired gun shot on him, resulting in his death. The investigation conducted by the police fully corroborates the prosecution version and *prima facie* the petitioner has been found to be having complicity in the alleged occurrence. As far as reliance of the learned Senior counsel for the petitioner on the order passed by this Court granting bail to the co-accused person namely Gunjan Singh is concerned, this Court finds that the case of the said Gunjan Singh is absolutely distinguishable from the facts and circumstances of the present case inasmuch as he is not one of the four accused persons, who had dragged the father of the informant and taken him on the back side of the house of Devendra Singh, whereafter the aforesaid four accused persons including the petitioner herein had fired gun shots on the father of the informant resulting in his death, thus, there is no parity in between the case of the petitioner and the said Gunjan Singh. In fact, as far as the said co-accused Gunjan Singh is concerned,



the police have found miniscule evidence as against him and the investigation is still going on, however charge sheet has already been filed against the petitioner herein.

Having regard to the facts and circumstances of the case, as aforesaid, as also taking into account the fact that prima facie the petitioner has been found to have committed a heinous crime of killing the father of the informant, I do not find any merit in the present case, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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