

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5892 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- SANOKHAR District- Bhagalpur

RAJESH KUMAR SINGH @ PAPPU SINGH @ RAJESH KUMAR S/o Sri
Krishnadeo Singh R/o village- Ratanpur, P.S.- Sanokhar (Amdanda), District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 07-07-2020 The present case was heard at length on
6.7.2020 and it has been listed today for orders.

The petitioner seeks regular bail in connection
with Sanokhar (Amdanda) P.S. Case No. 129 of
2019, registered for the offence punishable under
Sections 302, 201, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The case of the prosecution in brief is that on
22.09.2019 at about 9:00 PM., the Mukhiya of
Madarganj village Panchayat, namely, Rajesh
Kumar Singh @ Pappu Singh i.e. the petitioner
herein had called the husband of the informant on
telephone to his home where the other F.I.R.
named accused persons were also present and



were consuming liquor. It is further alleged that after sometime, sound of gunshot firing was heard and an alarm was raised that the Mukhiya and his people have shot the husband of the informant, whereafter the informant and her family members had rushed to the place of occurrence and saw that her husband was lying dead and the accused persons including the petitioner herein were taking the body of the husband of the informant on a Scorpio vehicle in order to conceal and dispose of the dead body, however, the driver of the said car, namely, Kanhaiya Singh, was caught and four empty cartridges were recovered from his pocket.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is submitted that the informant has concocted a false story and with malafide intention, she has falsely implicated the petitioner herein and other accused persons inasmuch as the fact is that the deceased, namely, Lalan Singh, had bought an illicit gun on the date



of occurrence and during the course of exhibiting his arms, he had misfired the gun resulting in him receiving gunshot injuries, to which he succumbed and died subsequently. It is further submitted by referring to the statement of the independent witnesses recorded during the course of the investigation that the deceased had told the said witnesses that he had misfired his gun and received gunshot injuries, hence, he should be immediately taken for treatment so that his life can be saved and during the course thereof, the deceased was being taken for treatment by the Scorpio vehicle of the petitioner herein, however, he succumbed to his injuries in the meantime. It is further submitted that the statement of the wife of the deceased made before the police would also show that she has disclosed that the brother of the deceased, namely, Chandrika Singh, had produced empty cartridges before the police by his own hand, which shows the falsity of the prosecution case inasmuch as if at all, the deceased was killed by the accused persons by gunshot firing, there



was no reason for empty cartridges to have been recovered from the pocket of the driver of the vehicle in question. It is further submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 20.2.2020, 4.3.2020 and 28.5.2020 passed in Criminal Miscellaneous No. 1543 of 2020, Criminal Miscellaneous No. 15056 of 2020 and Criminal Miscellaneous No. 149 of 2020 respectively. Lastly, it is submitted that the petitioner is languishing in custody since 19.11.2019.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the statements being relied upon by the learned counsel for the petitioner have been recorded after three and a half months of the incident and the accused persons including the petitioner have tried to introduce new/doctored evidence with a view to demolish the case of the prosecution and save themselves from being



prosecuted / convicted.

I have heard the learned counsel for the parties, gone through the materials on record and perused the case diary. A bare perusal of paragraphs no. 163, 164, 165 and 166 of the case diary would show that the independent witnesses have made their statement before the police and have stated that the deceased, namely, Lalan Singh, had accidentally fired from his gun resulting in him sustaining gunshot injuries, whereafter he started squirming and was saying that by mistake he has shot himself by gunshots, hence, he should immediately be taken to the Doctor for treatment so that his life can be saved. This Court further finds that charge-sheet has already been filed against the petitioner and other accused persons and there is no request by the prosecution regarding any sort of requirement for custodial interrogation of the petitioner. It is thus apparent from the materials on record as also from the investigation conducted by the police, as recorded in the case diary, that prima facie, it is difficult to



pinpoint the complicity of the petitioner in the alleged crime and a possible scenario of the deceased having shot himself by mistake resulting in his death on account of gunshot injuries cannot be ruled out. In such view of the matter as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, this Court finds that it would be in the interest of justice to grant benefit of doubt to the petitioner herein for the purposes of grant of regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 129 of 2019.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

