

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19462 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- PATLIPUTRA District- Patna

1. HIMANSHU KUMAR SINGH S/o Santosh Kumar Singh @ Pappu Singh R/o village- Sitab Diyara, Chhotka Sufal Tola, P.S.- Ribilganj (Ribirganj), District- Saran
2. Abhishek Kumar Singh @ Munna @ Monu S/o Vinay Kumar @ Vinay Kumar Singh R/o village- Sitab Diyara, Chhotka Sufal Tola, P.S.- Ribilganj (Ribirganj), District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP.
For the Informant : Mr. Ajay Mukherjee, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-08-2020 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant, through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Patliputra P.S. Case No. 52 of 2020 registered for the offence under sections 302, 120B and 201 of the Indian Penal Code and section 27 of the Arms Act to which sections 25(1-B) and 26 of the Arms Act were added subsequently.

As per allegation in the FIR, the son of the informant left the house stating that he was going to his friends house. It is



stated that a telephone call was received from the petitioner no. 1 that the son of the informant had sustained firearm injury and that he was taken to Ruban hospital. On reaching the hospital, it transpired that he was taken to Uma Hospital in Kankarbag. On reaching there, the informant found his injured son in the ambulance, who had died. It is further stated that from the CCTV footage of Ruban Hospital as also on enquiry from the ambulance driver, it transpired that the two petitioners had brought him to the Ruban hospital on their motorcycle and not getting a place in the Ruban hospital, they had taken him to the other hospital on the ambulance. On the doctor declaring the son of the informant as dead, both the petitioners ran away.

It is submitted by learned counsel for the petitioners that the petitioners and the son of the informant were close friends and the son of the informant sustained firearm injury in an accidental shooting. As the petitioners were not responsible for the same, from the FIR it would be evident that it was the petitioner no. 1 himself who gave immediate information to the informant which he acknowledges and it was the petitioners who took the injured son of the informant to one hospital and not getting place therein, to the other. Further from the FIR it would also be evident that this fact has also been confirmed



from the CCTV footage of the hospital. It is submitted that the petitioners are young persons aged 19-21 years and out of fear, they had disposed of the firearm and on their information being given, the police has recovered the same. The petitioners are in custody since 3.2.2020 and investigation in the case has already concluded. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

It is submitted by learned counsel for the informant that the petitioners are named in the FIR and it was the petitioner no. 1 who had given information about the son of the informant having sustained firearm injury. Place of occurrence is the residence of the petitioners wherein on search, the blood stained clothes has been recovered. It is further submitted that on the confession of the petitioners, the firearm in question has also been recovered, which the petitioners admitted to dispose of. It is submitted that the son of the informant had already died at place of occurrence itself and it was to set up their defence that they took him to the hospital.

The case diary had been called for in the case, and the same has been received.

Having heard learned counsel for the parties and on



going through the case diary and taking into consideration the fact that after the occurrence it was the petitioners who had taken the son of the informant to the hospital on the motorcycle and on not getting treatment there they took him to the other hospital, these facts having been captured on the CTV footage of the hospital, the investigation in the case having concluded, the petitioners having no criminal antecedent and being in custody since 3.2.2020, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Patliputra P.S. Case No. 52 of 2020 on each of them furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the A.C.J.M. XII, Patna.

(Partha Sarthy, J)

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