

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24271 of 2020**

Arising Out of PS. Case No.-112 Year-2020 Thana- BAHERI District- Darbhanga

Mithilesh Kumar Singh Son of Late Ram Swaroop Singh Resident of Village
- Jorja, P.S.- Baheri, District – Darbhanga ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate
For the Opposite Party : Mr. Anuj Kumar Srivastava, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 23-09-2020 Heard learned counsel for the petitioner, the State and the informant through Video Conferencing.

The petitioner seeks bail in Basher Police Station Case No. 112 of 2020 registered for the offence punishable under sections 302/34 of the Indian Penal Code as well as under section 27 of the Arms Act.

Prosecution's case, in brief, is that on 14.5.2020 at 7 am the informant and his wife were sitting in the house. In the meantime, the petitioner and other accused persons, armed with revolver, came there. Petitioner and co-accused Ashok Singh started abusing and searching his elder brother Manish Singh and when people opposed the same, someone from the accused side fired causing fire arms injury on the head of the informant's wife who died on the way to the hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to previous enmity and political rivalry as he is earlier Mukhia of the Gram Panchayat. Petitioner is in custody since 16.5.2020.

Learned counsel for the State and the informant



oppose the prayer for bail. They submit that the petitioner and other accused persons, armed with revolver, entered into the house of the informant and started abusing and searching his elder brother and on protest by the family members, they fired killing informant's wife. Post mortem report also supports the prosecution's allegation. Moreover, a number of criminal cases are pending against the petitioner as mentioned in paragraph 3 of the bail petition.

In the facts of the case, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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