

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25052 of 2020

Arising Out of PS. Case No.-93 Year-2019 Thana- PHULWARIYA District- Gopalganj

PANKAJ SINGH S/o Dhananjay Singh, R/o Korabadeva, P.S.- Phulwaria,
District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr.Adv. Mr.Suman Kumar, Adv.
For the State	:	Mr.
For the Informant	:	Mr. Shakti Suman Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-11-2020 Heard Mr. Rama Kant Sharma, learned senior counsel
for the petitioner, learned APP and Mr. Shakti Suman Kumar,
learned counsel for the informant through Video Conferencing.

Petitioner seeks bail in Phulwaria P.S. Case No.93 of
2019 registered under Sections 447, 302 and 34 of the IPC.

The informant (father of the deceased) alleged that
Pankaj Singh (petitioner), Dhananjay Singh, Ajay Singh and
Shivjee Singh came and made indiscriminate firing. Some
people came after hearing the sound, the accused persons went
away but when the accused persons saw his son Dhirendra
Pratap @ Bacchan, who was picking nail near the bungalow of
the informant, they surrounded him. Pankaj Singh (petitioner)
fired which hit near his neck. On the order of Shivjee Singh, the



other accused persons also made indiscriminate firing causing injury on the chest and other parts of the body of the son of the informant. The son of the informant died.

Learned senior counsel for the petitioner submits that the petitioner Pankaj Singh is alleged to have fired below the neck of the deceased but no such injury was found below the neck of the deceased. Three firearm wounds of entry were found on the body of the deceased. There is a bona fide land dispute between the two sides. The witnesses during the course of investigation gave a different version of the occurrence. The petitioner is in jail since 17.09.2019. The petitioner appears to be a close agnate of the informant and the deceased. Shivjee Singh, who is alleged to have given order, has already been granted anticipatory bail by a coordinate bench of this court vide order dated 15.10.2019 passed in Cr.Misc.No.64527 of 2019. It is a case of land dispute between the members of the same family in which one person was shot dead and for that the petitioner has remained in jail for more than a year. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. as well as learned counsel for the informant opposed the prayer for bail and submitted that the petitioner has got criminal antecedent. There is a specific



allegation against the petitioner that he fired which hit just below the neck of the deceased. The doctor in the postmortem report found one firearm wound of entry on clavicle region as well as on the chest and other parts of the body of the deceased. Thus, the petitioner does not deserve bail.

Perused the F.I.R. and the case-diary. The informant, who is the father of the deceased, has made specific allegation that while some construction work was going on, the petitioner and others came and made indiscriminate firing. When the petitioner and others saw the son of the informant picking nail near his bungalow, all the four accused persons including the petitioner went there. Firstly, the petitioner fired, which hit just below the neck of the deceased and thereafter other two accused persons made indiscriminate firing causing injury on different parts of the body of the deceased. From the postmortem report, it appears that as many as three firearm wounds of entry were found on the person of the deceased. One firearm wound of entry was found on the left clavicle region of the deceased. The other firearm injuries were found on the chest and other parts of the body of the deceased.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same



is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt this order.

The Superintendent of Police, Gopalganj is directed to ensure the presence of prosecution witnesses so that the trial must be concluded within one year.

Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Gopalganj for information and needful.

(Prabhat Kumar Jha, J)

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