

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.85236 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- TIKAPATTI District- Purnia

PAHARI SINGH @ PAHARI MANDAL S/o Late Gyanchand Singh R/o
village- Sapaha, P.S.- Tikapatti, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Akhileshwar Dayal, A.P.P.
for the Informant	:	Mr. Raj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-05-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner, Mr. Akhileshwar Dayal, learned
APP for the State and Mr. Raj Kumar, learned counsel for the
informant.

The petitioner is seeking regular bail in connection
with Tikapatti P.S. Case No. 21/2019 registered under
Sections 302, 120(B), 34 of the I.P.C. and 27 of the Arms Act,
pending in the court of learned Judicial Magistrate, 1st Class,
Purnia.



Learned Senior Counsel for the petitioner submits that it is a case of false implication. It is submitted that the informant of this case has though stated that he has seen the alleged occurrence but from the material available on the record showing the place of occurrence and the house of the informant disclosed in paragraph '26' of the case diary it may be seen that the house of the informant situates at a far distance from the place of occurrence. Learned Senior Counsel has drawn the attention of this court to the fact that on 03.03.2019 when the alleged occurrence took place the police arrived on information at about 6:40 P.M, had proceeded to the place of occurrence at 6:55 P.M. and then the fardbeyan of the informant has been recorded in paragraph '8' of the case diary at 11:05 P.M.

Learned Senior Counsel submits that the allegation against the petitioner is that he had fired from his pistol on the face of the deceased whereas the post-mortem report described in paragraph '64' of the case diary could not support the allegations that the shot was fired on the face of the deceased. It has been submitted with emphasis that the post-mortem report shows as many as four wound of entry but none of them are on the facial region of the deceased.



It is further submitted that due to prior enmity the petitioner has been made accused in this case. The informant's husband was the accused in Tikapatti P.S. Case No. 88/2017 under Section 302, 201 and 34 of the I.P.C. which was lodged when the brother of the petitioner was murdered.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that in paragraph '8' the fardbeyan of the informant has been duly recorded in which the informant has specifically named this petitioner and it has been alleged that this petitioner had fired on the face of the deceased. It is pointed out that the brother of the deceased has also made statement under Section 164 Cr.P.C. and he has also specifically named this petitioner as an assailant killing the husband of the informant.

It is further pointed out from paragraph '64' of the case diary that the post-mortem report clearly suggest that the husband of the informant was shot dead by causing fire-arm injury and injury no. 4 is an entry wound in occipital region which is showing an exit wound and third entry wound in back of the head, both have exit wound showing loss of nose



and fracture of right and left maxillary bone margin, thus, the post mortem report clearly suggest that the allegation that husband of the informant was shot at his facial region is correct and duly supported by the post-mortem report.

Having heard learned Senior Counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant and upon perusal of the records particularly the fardbeyan as contained in paragraph '8' and the post-mortem report described in paragraph '64' of the case diary and further materials showing the statement of the witnesses supporting the prosecution version, I am not inclined to grant regular bail to the petitioner. Prayer for bail is, thus, refused.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

