

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)s
CRIMINAL MISCELLANEOUS No.16288 of 2021**

Arising Out of PS. Case No.-250 Year-2020 Thana- BHAGWANPUR District- Begusarai

VEER KUNWAR SINGH @ BIRO SINGH S/o Late Shideswar Singh @
Shideswar Singh R/o village- Gara, P.S.- Bhagwanpur, District- Begusarai
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Sandip Kumar Gautam,Advocate
For the Opposite Party/s :	Mr.Parmeshwar Mehta,APP
For the Informant :	Mr.Ravindra Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-09-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Parmeshwar Mehta, learned APP for the
State.

The petitioner in the present case is seeking regular bail in connection with Bhagwanpur P.S. Case No. 250 of 2020 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code. He is in custody since 02.11.2020. The petitioner has got one criminal antecedent in which he is on bail.

As per the prosecution story, the father and the brother of the informant were murdered in the village and this information was given to her by the co-villagers. When she along with other relatives reached there, they found blood stains in front of the house and by the side of the house. The dead body of her father and brother were lying down by the west side of the *bandh* where she came to know that her father and brother were murdered by her uncle and cousin

brother namely Ram Gulam Singh, Veer Kunwar Singh @ Biro Singh (this petitioner), Amarjeet Singh, Dilip Kumar Singh, Satish Kumar Singh and wife of Amarjeet Singh. The murder was committed for the reason that there was a land dispute between the brothers over a piece of land which was an ancestral property and it is alleged that in the past also the accused persons had assaulted the deceased.

Learned counsel for the petitioner submits that this petitioner is uncle of the informant and brother of one of the deceased. It is submitted that there is no eye-witness to the alleged occurrence and save and except mere suspicion there is no other material against him.

Learned counsel further submits that no co-villager has come forward to claim himself to be a witness in the alleged occurrence.

Learned counsel further submits that earlier the petitioner's side and the father and the brother of the informant had lodged one case against each other in the year 2013 and the case lodged against the petitioner's side being Bhagwanpur P.S. Case No. 34 of 2013 which is still pending but the same cannot be a reason for the alleged occurrence.

Learned counsel submits that in course of investigation the informant and her sisters as also the son-in-law have though supported the prosecution story, they are related witnesses.

On the other hand, Mr. Ravindra Kumar, learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that strong motive has been alleged by the informant in the FIR itself for the cause of murder and the same gets supported from the fact that over the said piece of land the parties had indulged in a case earlier also.

Learned counsel further submits that the petitioner's side and the deceased were living in the same house, therefore, in the nature of the present occurrence in the matter of the two brothers normally no co-villager would like to become a witness. However, the submission that both the parties are living in the same house has been contested by Mr. Sandip Kumar Gautam, learned counsel for the petitioner.

Learned counsel for the informant submits that in this case two persons have been killed in the property dispute and later on the wife of late Om Prakash Singh who had become unconscious after seeing the entire occurrence had filed a complaint in the court of learned Chief Judicial Magistrate, Begusarai which was sent to the police station for registration of FIR under Section 156(3) Cr.P.C. but the same has been returned by police saying a case has already been lodged in this respect without appreciating that two FIR may be lodged if the manner of occurrence as alleged are from different angles.

Learned APP for the State has also opposed the prayer for

regular bail of the petitioner and submits that the strong motives against the petitioner are made out from the records.

Considering the facts and circumstances of the case, this being a case of double murder and the property dispute alleged between the deceased and the petitioner are prima-facie showing from the materials on the record which had given rise to the earlier cases also, in the nature of these materials and the gravity of the offence alleged, this Court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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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'.