

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19109 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

SANJAY SINGH Son of Khantar Singh Resident of Village - Khoparia, P.S.-
Chousa, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Navjot Yesu, Alok Kumar Singh, Advocates
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that there was an altercation followed by a fight between the brother of the informant and the accused namely Ramchandra Yadav, Mithilesh Yadav, both of who abused the informant and were joined together with Guddu Yadav, Kundan Yadav, Bajrangi Singh, Santlal Singh, Kanhaiya Yadav and Munna Singh in beating him up. It is further stated that on the orders of Ramchandra Yadav, Mithilesh Yadav fired on the informant's



brother. On an attempt being made on the informant's brother to escape Guddu Yadav and Kundan Yadav caught and threw him to the ground. Thereafter, Kanhaiya Yadav, Bajrangi Singh, Santlal Singh and Munna Singh fired on him as a result of which he died on the spot. The cause of occurrence is said to be previous dispute with the family of Ramchandra Yadav.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. His name transpired in course of investigation and he has been falsely implicated in the case because of his criminal antecedents. It is submitted that from reading of the FIR, although with respect to the first part of the occurrence it has been stated about the presence of 3-4 unknown accused persons but in the subsequent part of the FIR the description is complete with the informant taking the names of eight accused persons. It is submitted that from perusal of the order of the learned trial Court it would transpire that the name of the petitioner had come in the confessional statement of a co-accused made before the police. The petitioner is in custody since 3.6.2020 and chargesheet has been submitted in the case.

Heard learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the name of the petitioner transpired in course of



investigation wherein witnesses have stated about his active participation in the occurrence as also his being a contract killer. The Sub Divisional Police Officer has found the case to be true in his supervision.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the detailed contents of the FIR and the petitioner having remained in custody for more than one year, the petitioner is directed to be enlarged on bail in connection with Chousa P.S. Case no. 120 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, district Madhepura.

(Partha Sarthy, J)

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