

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31443 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- BARAUNI District- Begusarai

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Dani Singh Son of Kaushal Kishor Ray @ Baibil Singh Resident of Village -
Kil - Garhara, P.S.- Barauni (Garhara O.P.), Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-11-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Barauni P.S. Case No. 275
of 2020, registered for the offence punishable under Sections
302, 120(B) and 34 of the Indian Penal Code and section 27 of
the Arms Act.

As per the prosecution case, this petitioner is alleged
to have caused two firearm injury on the head and below the eye
of Saurabh Singh, as a result of which subsequently he died.

It is submitted on behalf of the petitioner that
informant is not eye-witness of the occurrence and due to
political rivalry false allegation has been levelled against the
petitioner. It would be apparent from the fact that postmortem
report does not support the allegation attributed against the



petitioner. Moreover, FIR has been lodged after preparation of inquest report. Co-accused Sunny Singh is alleged to have caused 03 firearm injuries on the head of son of informant namely, Yashraj Singh, as a result of which he died and he has been granted bail by this Court vide order dated 04.08.2021 passed in Cr. Misc No. 2594 of 2021. Further submitted that one of the deceased was a notorious criminal and was having five criminal antecedent. Petitioner is in custody since 12.08.2020.

Counsel for the Informant however, vehemently opposed the prayer for bail and submitted that it is a case of double murder. Both sons of the informant died. There is allegation of causing 02 firearm injuries against the petitioner, as a result of which son of informant died. Postmortem report of the deceased fully corroborates the allegation attributed against the petitioner. So far as the case of Sunny Singh is concerned, petitioner could not claim parity with co-accused Sunny Singh, as though he was alleged to have caused 03 firearm injuries, but single firearm injury was found on the person of deceased.

Considering the facts aforesaid, nature of allegation and so far as this petitioner is concerned, there is specific allegation of causing firearm injury as a result of which one of the sons of informant died and postmortem report duly



corroborates prosecution version and 02 firearm injuries found on the person of deceased Saurabh Singh, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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