

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35308 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- MADHAURAH District- Saran

Vijay Kumar Singh @ Munna Thakur Son of Shivji Thakur Resident of
Village- Nethuan, P.S.- Marhaurh, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh, Sr.Adv. Mr.Udai Shankar Singh, Adv.
For the State	:	Mr.Nand Kishore Prasad,APP
For the Informant	:	Mr.Tej Pratap Singh,Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-12-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Marhaura P.S. Case No. 115 of 2020 registered for the offence under Sections 302, 120(B), 34 of the Indian Penal Code.

The prosecution story, in brief, is that on 23.02.2020 at about 8.00 A.M., when the informant alongwith his son Arjun Singh was going towards his shop situated at Marhawrah and reached near Pakahan Railway Dhala, the accused Shivjee Singh alongwith other co-accused persons intercepted them and on direction of Shivjee Singh, other accused Sanjay Kumar Singh @ Tunna Thakur took out the pistol and fired over Arjun Singh which hit below his right eye and the victim Arjun Singh fell down and when the accused persons find that his son Arjun Singh became dead, they fled away from there.



Petitioner denies the prosecution case and submits that informant is not eye-witness of the occurrence, as alleged in the F.I.R. and he has been falsely implicated in this case due to the fact that brother of the petitioner namely Lallu Thakur and Lal Mohan Singh were killed by hatching conspiracy by the informant and his son, for which, Rewati P.S. Case No. 731 of 2017 was lodged, in which, son of the informant namely Arun Kumar Singh sent to Baliya Jail. As per F.I.R., this petitioner and co-accused Sunil Rai are alleged to be conspirator of the occurrence and specific allegation of assault is against other co-accused persons. Petitioner is in custody since 24.02.2020. Chargesheet has been submitted.

However, learned counsel for the State and the informant have vehemently opposed the bail petition. Learned counsel for the informant submits that petitioner is accused in as many as 16 (sixteen) cases. He further submits that due to old rivalry, this petitioner alongwith others under a conspiracy killed the son of the informant. The C.D.R. (call details record) of the petitioner also shows that several calls were made from this mobile on the mobile of family members of petitioner during the period of jail custody of petitioner and the tower location of the said mobile was near the Gaya jail.



Considering the aforesaid facts and circumstances and the fact that in the F.I.R., there is no allegation of causing any assault or firing by this petitioner and he is only alleged to be conspirator, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Saran at Chapra in connection with Marhowrah P.S. Case No. 115 of 2020.

(Prabhat Kumar Singh, J.)

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