

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33790 of 2020

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

ABHISHEK SINGH Son of Om Prakash Singh Resident of Ambedkar Road,
P.S.-Marhaura, District-Saran at Chapra.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Senior Advocate. Mr. Mukesh Kumar, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 08-02-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 09.12.2020/05.02.2021, within four weeks of starting of the Court proceeding in physical mode.

Heard Mr. P.K. Shahi learned Senior counsel, assisted by Mr. Mukesh Kumar, learned counsel, appearing for the petitioner, and Mr. A.M.P. Mehta, learned A.P.P., appearing for the State.

The petitioner seeks bail in connection with Marhaurah P.S. Case No.596 of 2019 registered under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504 and 120(B) of the Indian Penal Code besides Sections 25(1-b) a, 26, 35 and 27 of the Arms Act, pending in the court of the Additional Sessions



Judge-VIII, Saran at Chapra.

The accusation is that the informant, Vikas Kumar Singh, being the Assistant Sub-Inspector of Police of Special Investigating Team, along with Assistant Sub-Inspector, Mithilesh Kumar Singh, Constable Rajnish Kumar, Constable Farooque Alam, Constable Rajat Kumar and Constable Jitendra Kumar proceeded from Chapra to Marhaura Police Station there at 04.30 p.m. and talked with Officer-in-Charge of Marhaura Police Station regarding Garkha P.S. Case No. 512 of 2019 in respect to loot of mobile which was being used and, thereafter, proceeded for Chapra and reached at about 06.20 p.m. at Marhaura Market in front of L.I.C. office. In the meantime, one white colour Scorpio came with 8 to 9 persons having rifle, revolver and pistol. At that time, 4 to 5 motorcycles also reached there on which 7 to 8 persons were boarding. All of a sudden, all get down from the Scorpio and motorcycle with fire arms. At that time, one person asked to kill Assistant Sub-Inspector of Police, Mithilesh Kumar Singh, and, thereafter, all started to cause assault through butt of pistol and rifle to Mithilesh Kumar Singh, Constable Farooque, Constable Rajnish, Constable Jitendra and Constable Ranjan. At that time, 3 to 4 started firing while police party also tried to open fire in



counter, but, due to much number of the miscreants, police could not succeed in counter firing. At that time, miscreants looted the pistols of Mithilesh Kumar Singh and Rajnish and AK-47 rifle of Farooque Alam. At that time, his pistol fell down in the water. Anyhow, the informant escaped and informed to senior officials on phone. At that time, Abhishek Singh (petitioner), Subodh Singh, Rohit Singh, Pawan Singh and Raju Singh were identified out of the miscreants. It is, further, alleged by the informant that before 1½ years in a case of dacoity of Rasoolpur Police Station, Rohit Kumar, Bodyguard of Meena Arun and her husband, Arun Singh, was apprehended and sent to jail, due to that reason, under conspiracy, Arun Singh and his wife, Meena Arun, Chairman of the Zila Parishad, Chapra in-collusion with nephew, Subodh Singh, and other miscreants, made conspiracy about occurrence. After occurrence, one revolver and a rod meant for cleaning the barrel of AK-47 rifle recovered. In the occurrence, Assistant Sub-Inspector of Police, Mithilesh Kumar Singh, and Constable, Farooque Alam, died.

Learned Senior counsel appearing for the petitioner submits that while the petitioner is named in the F.I.R. but no specific overt act is attributed to him. Further submission is



that, in course of investigation, C.C.T.V. fixed at the 100 yards away from the place of the occurrence was visualized and the photographs of several persons, indulged in the occurrence, were identified but in the C.C.T.V., there is no photograph of the petitioner. In paragraph-299 of the case diary, there is call details regarding the conversation of the accused made from the mobile phones but in that paragraph, the mobile phone number of the petitioner is not detailed. Both the injured, namely, Ranjan Kumar Rai and Jitendra Kumar Rajak, in their statements, as detailed in paragraphs-32 and 33 of the case diary respectively, have detailed the names of Shatrughan Singh, Subodh Singh, Rohit Singh, Bholu Singh, Jatashankar Singh and Virat Singh, as the assailants of the deceased A.S.I. Mithilesh Kumar Singh and Constable Farooque Alam but both have stated that this petitioner along with others were present adjacent to the place of the occurrence and when they tried to run away from there, this petitioner along with others restrained them. Further submission is that while the petitioner is accused in one more case, as detailed in paragraph-3 to this application, but in that case, the petitioner is on bail. In the present case, the petitioner is in custody since 26.08.2019.

Having regard to the facts and the circumstances of the



case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected for the present.

(Rajendra Kumar Mishra, J)

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