

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11753 of 2021**

Arising Out of PS. Case No.-93 Year-2019 Thana- PHULWARIYA District- Gopalganj

Ajay Singh Son Of Late Shivji Singh Resident Of Village- Koyladeva, P.S.-  
Fulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                             |
|----------------------------|-----------------------------|
| For the Petitioner/s :     | Mr. Parth Gaurav            |
| For the Opposite Party/s : | Mr. Lalan Kumar             |
| :                          | Mr. Satyendar Narayan Singh |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      16-09-2021      Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Fulwariya Police Station Case No. 93 of 2019, G.R. No. 1559 of 2019 registered for the offence punishable under Sections 447, 302 and 34 of the Indian Penal Code.

As per the prosecution story, allegation against the petitioner is that he alongwith other co-accused came at the place where the construction of new building of the informant was going on and on



exhortation of co-accused Sheoji Singh, the petitioner and one co-accused fired upon the son of informant namely *Dhirendra Pratap Singh* and subsequently he succumbed to injury on the way to hospital.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that after perusal of the F.I.R., it is clear that the informant and accused/petitioner namely Dhananjay Singh is full brother and informant has wanted to grab the share of the accused/petitioner and hence the accused Dhananjay Singh filed a case bearing Case No. 55 of 2019 before learned Sub Divisional Magistrate, Hathua District, Gopalganj. He further submits that from the *post mortem* report, it would be evident that the deceased has sustained fire arm injury and deceased was also criminal minded and criminal cases are pending against him. In paragraph Nos. 8, 9 and 18 of the case diary, it is stated that specific allegation of fire upon the deceased is on accused *Pankaj Singh*, however allegation against the petitioner is that he had surrounded the deceased with fire-arm. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has two criminal antecedents as stated in the supplementary affidavit filed on behalf of the petitioner and he is languishing in custody since 02.01.2020.

Learned APP for the State and learned counsel for the



informant opposed the bail petition and submitted that petitioner was habitual absconder and there is inquest report in para 2 of the case diary suggest that the deceased died due to fire arm injury and in *post mortem* report cause of death has been given as due to haemorrhage and shock as a result of above mentioned inquiry caused by fire arm.

In the facts and circumstances of the case considering the fact that bail application of similarly situated co-accused persons was rejected on 04.02.2020 in Cr. Misc. No. 84990 of 2019 by a Co-ordinate Bench of this Court, I am not inclined to grant privilege of bail to the petitioner in connection with Fulwariya P.S. Case No. 93 of 2019, G.R. No. 1559 of 2019 to the satisfaction of learned Chief Judicial Magistrate, 1<sup>st</sup> Class, Gopalganj.

Accordingly, the prayer for bail of the petitioner is hereby rejected.

**(Anjani Kumar Sharan, J)**

GAURAV S./-

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