

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31827 of 2020

Arising out of PS. Case No.-567 Year-2019 Thana- MANER District- Patna

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Pappu @ Ujjawal Kumar Singh @ Ujjawal aged about 38 years, Male, S/o
Niranjan Singh, Resident of Village - Dayal Chak, P.S. - Maner, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P K Shahi, Senior Advocate with Mr. Ravi Kumar, Advocate
For the State	:	Mr. Aditya Narayan Singh No. 1, APP
For the Informant	:	Mr. Gajendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-01-2021

Heard Mr. P K Shahi, learned senior counsel along
with Mr. Ravi Kumar, learned counsel for the petitioner; Mr.
Aditya Narayan Singh No. 1, learned Additional Public Prosecutor
(hereinafter referred to as the 'APP') for the State and Mr.
Gajendra Kumar Jha, learned counsel for the informant.

2. The petitioner is in custody in connection with Maner
PS Case No. 567 of 2019 dated 17.11.2019, instituted under
Section 302 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Learned counsel for the petitioner submitted that the
informant has categorically stated that she was informed by one
Ravindra Singh about the killing of her husband by the petitioner



and Ravindra Singh himself claimed that he was informed by one of the accused Kamlesh Singh. However, learned counsel submitted that Kamlesh Singh, co-accused has stated that he asked one Bijli Singh to inform the wife of the deceased, i.e., the informant. It was further submitted that the co-accused Bipin Singh has stated that the deceased was killed by the petitioner and that he was informed by Ravindra Singh about the incident. Learned counsel submitted that a third person namely Sushil Kumar has given statement to the police after two months of the occurrence in which he claims that he is first cousin of the informant and has categorically stated that he went along with the deceased to the place of occurrence and there was some altercation with a shop owner and the petitioner had fired and after hearing the noise of gunfire he saw the petitioner running away towards the village and the deceased lying on the road. Learned counsel submitted that when Sushil Kumar being the first cousin of the informant had accompanied the deceased and in his presence, the was killed, there is no explanation and as to why he had not informed the family members, including the informant, of the incident and also as to why after two months he got his statement recorded by the police and further, that in the so-called confessional statement of Kamlesh Singh and Bipin Singh there is



not even whisper with regard to Sushil Kumar being present at the place of occurrence. Learned counsel submitted that only on the basis of suspicion the petitioner has been implicated due to local rivalry and is in custody since 20.01.2020.

4. Learned APP, from the case diary, and learned counsel for the informant, submitted that all the witnesses have stated that it was the petitioner who had killed the deceased husband of the informant by firing on him. However, on query of the Court as to how the variations/discrepancies in the statement of two accused and another witness can be reconciled, especially with regard to Sushil Kumar being the first cousin of the informant who has stated that he accompanied the deceased to the place of occurrence and not informing anybody about the occurrence and suddenly after two months recording his statement, and further, about there being no mentioning of Sushil Kumar in the statement of co-accused Kamlesh Singh or Bipin Singh, learned counsel could not offer any explanation.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional



Sessions Judge, Danapur, Patna in Maner PS Case No. 567 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

6. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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