

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31709 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- BHAGWANGANJ District- Patna

DUKHAN SINGH S/o Mithlesh Singh Resident of Village-Karwa, P.S.-
Daulatpur, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.B. Giri, Sr. Advocate
		Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s :		Mr. Bharat Lal, A.P.P.

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

ORAL ORDER

3 19-01-2021 Heard Sri Y.B. Giri, learned senior counsel for the
petitioner assisted by Sri Sumit Kumar Jha, Advocate as well as
learned counsel for the informant & learned A.P.P. appearing for
the State.

The petitioner seeks bail in connection with
Bhagwanganj P.S. Case No. 114 of 2019, registered under
Section 302/34 of Indian Penal Code and Section 27 of the
Arms Act, pending in the Court of learned A.C.J.M., Masaurhi,
Patna.

The accusation is that in the morning of
16.11.2019, informant Golu Kumar, son of Late Dayanan Lal
went at the snacks shop of Surendra Sao, where he purchased
two pieces of Samosa, out of which one samosa was found not
eatable then he asked to Sonu Kumar @ Bottle, son of
Surendra Sao to change the same and return money then Sonu



Kumar @ Bottle started to abuse and cause assault through stick then he moved from there for house in injured condition, then his father took him for treatment to local Doctor. Thereafter, Dukhan Singh @ Sanjeev Kumar (Petitioner) came at his house and asked him not to go to Police Station for lodging the case saying that the expenses of treatment would be given to him, then Dayanand Lal, father of informant Golu Kumar, told that Rs. 560/- has been expended for treatment on which Dukhan Singh (Petitioner) handed over Rs. 560/- to Dayanand Lal, father of informant. In the evening, Sonu Kumar @ Bottle came near the house of informant and saw him with bad intention then informant Golu Kumar told that he will lodge the case, then Sonu Kumar @ Bottle returned from there and after short interval, Dukhan Singh (Petitioner), Pankaj Kumar and Sonu Kumar @ Bottle came at the door of informant and started to abuse, then Dayanand Lal, father of informant, made protest. On which Dukhan Singh took out pistol and shot fire at Dayanand Lal, father of informant, while father of informant was rushed to hospital for treatment, but he was declared dead by the Doctor.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner has inimical term with Shambhu Sharma, Pattidar of the informant, due to that reasons Shambhu Sharma managed to implicate the petitioner



in this case. Further submission is that it would appear from the F.I.R. that no motive has been assigned to shot fire at the deceased Dayanand Lal, father of informant by the petitioner. Further submission is that, at present, the petitioner is suffering from illness and for which he was referred to P.M.C.H by the jail authority on 21.03.2020 and after one week of treatment, he returned to jail, but, petitioner was again referred for treatment. Further submission is that petitioner is in custody since 30.11.2019.

On the other hand, learned A.P.P. appearing for State assisted by learned counsel appearing for informant opposed the prayer for bail with submission that it would appear from the Postmortem report that, deceased, father of informant sustained two firearm injuries at his stomach and witnesses in paragraph Nos. 21, 22 and 23 of the case diary also supported the case of the prosecution.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer of the petitioner, above named, is rejected.

(Rajendra Kumar Mishra, J)

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