

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43475 of 2021**

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

SUBODH KUMAR SINGH @ SUBODH SINGH SON OF LATE ARJUN
SINGH R/O VILLAGE- AAWARI, P.S.- MADHAURAH, DISTRICT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Adv. Mr.Satyam Shivam Sundaram, Av.
For the Opposite Party/s	:	Mr. Uday Shankar Singh, Adv.
For the State	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Madhaurah P.S.Case No. 596/2019, registered for the offence punishable under Section 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35, 27 of the Arms Act.

The accusation, according to the informant, namely, Vikas Kumar Singh, who is the Assistant Sub-Inspector of Police of Special Investigation



Team, is that he along with other police personnel and constable had proceeded from Chapra to Marhaura police station at around 4.30 pm. on the alleged date of occurrence and had talked with the Officer-in-Charge of Marhaura police station regarding Garkha P.S. Case No. 512 of 2019 in respect of certain incident whereafter the informant along with other police personnel had proceeded to Chapra and reached there at about 6.20 pm. at Marhaura market in front of the LIC office. It further alleged that in the meantime, one white colour scorpio vehicle came there with 8 to 9 persons sitting therein and the said persons were variously armed with rifle, revolver and pistol. It is also alleged that 7-8 co-accused persons, riding on various motorcycles, had also reached there. Thereafter, the accused persons are stated to have got down from the Scorpio vehicle and the motorcycle in question, armed with firearms and had not only assaulted the police personnel, but had also engaged in firing indiscriminately on the police party, resulting in



firearm injuries to the police personnel as also subsequent death of one police personnel, namely, Mithilesh Kumar Shah and Farooque Alam. The accused persons are stated to have then fled away. As far as the petitioner herein is concerned, he is stated to be one of the assailant and his name has transpired during the course of the recording of the statement of the injured persons at the time of investigation as would be apparent from paragraphs no. 32, 33 and 104 of the case diary.

The learned Senior Counsel for the petitioner, Sri P.K.Shahi, has submitted that the petitioner is innocent and he has been falsely implicated in the present case as is also languishing in custody since 15.1.2021. It is further submitted that a general and omnibus allegation has been levelled qua the petitioner herein.

Per contra, the learned counsel for the informant, Sri Uday Shankar Singh, has vehemently opposed the prayer for bail along



with the learned APP for the State, Sri Prem Kumar Jha. It has been submitted that the injured police personnel have deposed during the course of investigation and their statements have been recorded in paragraphs no. 32, 33 and 104 of the case diary wherein the petitioner has been specifically alleged to have fired gunshots on the deceased, Mithilesh Kumar Shah. In fact, the CCTV footage has also been examined, which finds reference in paragraph no. 132 of the case diary wherein it has been stated that the petitioner has been seen entering the house of the co-accused person, namely, Arun Kumar Singh along with the looted firearms. It is also submitted that the petitioner is having a bad criminal antecedent and is an accused in several cases. The learned counsel for the informant has also referred to an order dated 18.1.2021 passed by a coordinate Bench of this Court in Criminal Miscellaneous No. 33322 of 2020 whereby the prayer for bail of similarly situated co-accused person has been rejected by



a coordinate Bench of this Court.

I have heard the learned counsel for the parties and perused the materials on record from which this Court finds that prima facie, ample materials are available on record to show the complicity of the petitioner in the alleged killing of the police personnel, namely, Mithilesh Kumar Shah and moreover, he is having a bad criminal antecedent, hence, I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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