

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32372 of 2020

Arising Out of PS. Case No.-205 Year-2019 Thana- BHORE District- Gopalganj

1. Sri Brij Kishore Singh @ Brij Kishore Singh S/o - Late Ramdeo Singh R/o - Bhore, P.S. - Bhore, District- Gopalganj.
2. Sri Raju Singh @ Raju Singh @ Raju Kumar Singh, S/o -0 Late Vidya Singh, R/o - Bhore, P.S. - Bhore, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Manan Kumar Mishra, Advocate Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 07-04-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Bhore P.S. Case No. 205 of 2019, registered under Sections 302, 404 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of the learned Sri Rajeev Pandey, Judicial Magistrate, 1st Class, Gopalganj/C.J.M., Gopalganj.

The accusation is that on 13.06.2019, the informant Harinarayan Singh and his younger brother Ramashray Singh were present at the Petrol-Pump, where the construction work was going on. In the meantime, six persons, named in the F.I.R.



including the petitioners came there and made indiscriminate firing, due to which Ramashray Singh, the younger brother of the informant, sustained firearm injury and died on the spot. The informant further claimed that the alleged occurrence took place in collusion with Raghvendra Singh, Prabhunath Singh and Awadhesh Gond.

Learned counsel appearing on behalf of petitioners submits that, earlier, the prayer for pre-arrest bail of petitioners was refused on merit vide Criminal Miscellaneous No. 52831 of 2019 on 23.08.2019. Further submission is that after lodging of the present case, the investigation was also made by the C.I.D., who, after investigation, submitted Chargesheet against five persons, who are not named in the F.I.R. and they are in jail. Further submission is that after the occurrence, the brother of the deceased had given statement before the media that the culprits were not identified and he was also not present on the place of occurrence. Similarly, Santosh Kumar, whose name is shown as witness in the F.I.R., has also stated before the media that he had not identified the assailant of the deceased. The Police has not submitted the Final Form till date after investigation.

On the other hand, learned counsel appearing on



behalf of informant submits that after submission of the Chargesheet by the C.I.D., the trial Court has also taken cognizance against the petitioners.

Since, the prayer for pre-arrest bail of the petitioners has already been refused on merit vide Criminal Miscellaneous No. 52831 of 2019 on 23.08.2019, as such, I find no reason to re-consider the prayer for pre-arrest bail of the petitioners. Accordingly, the prayer for pre-arrest bail of the petitioners is again rejected.

(Rajendra Kumar Mishra, J)

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