

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8270 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- CHAUTHAM District- Khagaria

1. RAMCHANDRA SINGH @ RAMCHANDRA PD SINGH S/o Ganeshi Singh R/o village- Patraha, P.S.- Choutham, District- Khagaria
2. Saurabh Kumar S/o Ramchandra Singh @ Ramchandra Pd. Singh R/o village- Patraha, P.S.- Choutham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr. Rajesh Kumar, Advocate    |
| For the Opposite Party/s | : | Mr. Ram Sumiran Rai, APP      |
| For the Informant        | : | Mr. Bishweshwar Ram, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      12-07-2021

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Chautham P.S. Case no. 149 of 2020 registered under sections 302, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that while his father was going home, at the place of occurrence the three named accused persons started to abuse his father and started indiscriminate firing from their firearms. It is stated that thereafter the three other named accused persons including the petitioner herein as also 3 to 4 unknown started firing as a result of which the informant's father sustained two bullet injuries. His father was taken to the hospital. His father disclosed the name of some of the accused persons. The cause



of occurrence is land dispute.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case. From the FIR itself it would transpire that the allegations of firing is on three accused persons who have been named earlier and thereafter it has been stated that the three other accused persons including the petitioner herein fired from behind. It is submitted that the postmortem report does not support the allegations levelled in the FIR. No firearm/used cartridge etc was recovered nor any seizure list made. The petitioners and the informant are agnates and the cause of their false implication is land dispute between the parties, as mentioned in the FIR itself. Although the occurrence is said to have taken place on 3.6.2020 at 5 pm, however, surprisingly the postmortem was conducted at 7.30 am the same day which is not possible. Referring to the case diary it is submitted that the Investigating Officer/police authorities referred to Chautham P.S. Case no. 94 of 2020 pending between the parties. It is submitted that the allegations are general and omnibus in nature and it has not been stated as to whose firing resulted in the injury and consequent death of the informant's father. Petitioners have no criminal antecedent, they are in custody since 5.6.2020 and investigation in the case has concluded.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them along with others of having fired and killing the father of the informant. The allegations are supported from the contents of the postmortem report wherein firearm injury have



been found and further as per the recital therein the firing has taken place from close range.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners together with the contents of the postmortem report, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

The learned Court below is directed to expedite the trial.

**(Partha Sarthy, J)**

Prakash/-

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