

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11109 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- BARH District- Patna

1. ADITYA SINGH @ TUNNA SINGH S/O SACHIDANAND SINGH R/O VILL.- SHAHARI, P.S.- BARH, DIST.- PATNA
2. SANTOSH SINGH SON OF SACHIDANAND SINGH R/O VILL.- SHAHARI, P.S.- BARH, DIST.- PATNA

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate
		Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s	:	Mr.Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Senior Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Barh PS Case No. 228 of 2020 registered under Sections 307, 302, 504 and 34 of the IPC.

The informant has alleged that he was going to the market for selling Mango on his *Thela*. When they reached near the Mandi the two petitioners along with Babli Singh came on the motorcycle. Two unknown persons also arrived. They were armed with pistol and have fired upon his uncle Birendra Kumar who was sitting on the *Thela*. After sustaining three – four gun shot injuries



the uncle has died.

It is submitted by learned Senior Counsel for the petitioners that the informant's presence itself is doubtful. Having regard to the past enmity it is highly improbable that the assailants would have allowed him to live. The assailants have not been identified by the informant. He is making sweeping statement against three persons including the petitioners. Co-accused Babli Singh has stated about others firing upon the deceased. The petitioners' alibi has also come in course of investigation. Co-accused Chandan Kumar has been granted bail in Cr. Misc. No. 1205 of 2020. The petitioner in the circumstances is in custody since 6.7.2020.

Learned APP has referred to the materials which have emerged in course of investigation manifested in the case diary which was requisitioned earlier. The informant has supported the prosecution version. Other witnesses in para 131 to 133 have also supported the occurrence. The injured witness Ayodhya Mahto, who has also sustained gun shot injury, has also stated about the instant petitioners firing upon the deceased. The allegation is that the deceased has been done to death as he was to depose in connection with a murder case. It is further submitted that co-accused Chandan Kumar who has been allowed bail in Cr. Misc. No. 1205 of 2020 is not similarly situated as his name has not even been stated in the prosecution case.

Considering the rival submissions, this Court for the present is not inclined to allow the prayer for bail.

The prayer for bail is rejected.

(Madhuresh Prasad, J)

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