

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6501 of 2022**

Arising Out of PS. Case No.-84 Year-2021 Thana- CHAORI District- Bhojpur

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Santosh Kumar Singh Son of Sri Ram Surat Singh R/O Village- Dhakani,  
P.S.-CHAURI, District- Bhojpur (ARA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Shivam, Advocate         |
| For the Informant        | : | Ms. Pooja, Advocate          |
| For the Opposite Party/s | : | Mr. Ram Sevak Choudhary, APP |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      27-09-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Chaori  
P.S. Case No. 84 of 2021 registered for the offence under  
Section 302 of the Indian Penal Code and under Section 27 of  
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 06.08.2021.

The allegation against the petitioner is to commit  
murder of wife of the informant by opening fire upon deceased  
from his rifle, having licence.



Learned counsel appearing on behalf of the petitioner submitted that if the concluding part of F.I.R. be taken into consideration, then, it creates a doubt, as whether informant is the eye witness of the occurrence. It is further submitted that report of fire arm is nowhere, suggest that any recent firing was made from seized rifle, which was used to commit murder. It is further submitted that no blood stains or any incriminate materials were found at the place of occurrence, as per para-12 of the case diary, where place of occurrence is also shown different, as of F.I.R. It is also submitted that there is a land dispute between parties, where petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Ms. Pooja appearing on behalf of informant, while opposing the prayer of bail, submitted that informant is the eye witness of the occurrence and there is nothing in report of Sargent Major, which may suggest that alleged firing was not made by using seized rifle. It is further submitted that the presence of informant, being husband, is very natural at the place of



occurrence, which is residential premise of deceased. It is further submitted that the manner, as regard to killing, as set out in F.I.R., is in full corroboration with finding of post-mortem report.

Considering the facts and circumstances as mentioned above, as the manner of killing is in full corroboration with finding of post-mortem report, where petitioner found running away from the place of occurrence, immediately thereafter, having rifle in his hand, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it, if required, on board, on daily basis, so as trial may conclude within six month of receipt of this order.

Superintendent of Police, Ara is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as directed above.

**(Chandra Shekhar Jha, J)**

pooja/-

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