

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6147 of 2022

Arising Out of PS. Case No.-232 Year-2019 Thana- MIRGANJ District- Gopalganj

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Ashok Singh Son of Baliram Singh Resident of Village - Balahata, P.s.-
Uchagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mirganj P.S. Case No. 232
of 2019, registered for the offence punishable under Sections
302, 120(B) and 34 of the Indian Penal Code and section 27 of
the Arms Act.

As per the prosecution case, this petitioner along with
co-accused Shambhu Singh came on motorcycle and shot the
brother of informant causing his death.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case due to land
dispute between the parties. Not a single eye-witness has
supported the prosecution case. No incriminating article has
been recovered from possession of this petitioner. Petitioner is a



bona fide student pursuing his B-Tech degree from Engineering College, Bhopal. Co-accused Dewanti Devi @ Sushila Devi and Pradeep Yadav have already been granted bail by different Benches of this court vide order dated 05.02.2020 passed in Cr. Misc. No. 6594 of 2020 and order dated 08.12.2020 passed in Cr. Misc. No. 23791 of 2020. Petitioner is in custody since 02.08.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of causing firearm injury, as a result of which informant's brother died.

It appears that case of co-accused Dewanti Devi @ Sushila Devi and Pradeep Yadav is different and distinguished from the case of petitioner, as there is no specific and direct allegation of firing or overt act against those co-accused persons.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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