

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11800 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- RAGHOPUR District- Vaishali

Mukesh Kumar Singh Son of Sri Paras Singh Resident of Village- Fatehpur,
P.S.- Raghobpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mr. Udbhav, Advocate
For the State	:	Mr. Anant Kumar, APP
For the Informant	:	Mr. S.K. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

In the present case, the petitioner seeks bail in connection with Raghobpur P.S. Case No. 248 of 2021 registered for the alleged offences under Sections 147, 148, 149, 323, 324, 307, 302, 447 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant gave his fardbeyan that his younger brother told him that their father and the grand father were being assaulted by some persons and when they reached at the spot, they found the petitioner and other co-accused persons who were armed with pistol and rifle making indiscriminate firing. The father, the grandfather and the



informant received firearm injuries. The father of the informant died during treatment and the informant and his grandfather were referred to PMCH for further treatment and the grandfather also died during treatment. The occurrence took place in the background of land dispute.

The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The land dispute is admitted in the FIR. The witnesses examined during investigation have stated about specific role of assailants and the witness Navin Kumar Singh has stated that the father of the informant received injury in the firing made by co-accused Aman Kumar. The co-accused Navlesh Kumar Singh fired upon the grandfather of the informant. The co-accused Raju Kumar Singh firing upon the informant. The similar statement was given by the victim Kameshwar Prasad Singh. It has also come in the investigation of the police that two witness Anjali Devi and Munni Singh who are the female members of the house of the informant have stated that they heard about the petitioner telephoning her father from Hajipur for resorting to firing and on the basis of his telephoning order his family members indulged in firing. Learned senior counsel further submits that postmortem report shows only one injury on



the person of the deceased and this injury has been caused by Aman Kumar and this corroborates the statement of witnesses made during the investigation. The petitioner is in custody since 07.11.2021 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused persons opened fire and the specific allegation against them is that they resorted to indiscriminate firing and two of the victims, the father and grandfather of the informant, died due to this firing.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation against other co-accused persons for firing upon the deceased persons in the statement of the witnesses recorded during investigation and further considering the postmortem showing only single firearm injuries on the Sonu Kumar Singh and Kameshwar Prasad Singh, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate in connection with Raghopur P.S. Case No. 248 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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