

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14368 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- CHAUSA District- Madhepura

Shankar Singh Son Of Sohan Singh R/O- Khopariya, P.S.- Chousa, District-
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kr. No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Chousa P.S. Case No.237 of 2020 registered for the offences
under Sections 307, 302, 120(B), 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the allegation, accused persons including the
petitioner being total thirteen in number came on motorcycles
and the petitioner allegedly fired at the informant, owing to that
firing the informant sustained injury at his left shoulder and
thereafter informant's nephew namely Suman Kumar Singh



caught hold of the co-accused Battis Singh and thereafter at the direction of co-accused Khantar Singh he was caused fire-arm injury by co-accused Vicky Singh and others and the said nephew of the informant died at the spot.

The main submissions advanced by the learned counsel Mr. Rajnish Kumar Singh for the petitioner are that the petitioner has been made accused in this case mainly on the basis of enmity with co-accused Khantar Singh and the petitioner is an innocent brother of the said Khantar Singh and he is alleged to have caused fire-arm injury at the left shoulder of the informant but the said allegation does not get corroboration from the injury report of the informant as no fire-arm injury has been found at the chest and left shoulder of the informant as per the medical expert's opinion and against the petitioner there are ten other criminal cases in which he has been granted bail in nine cases and it is a settled principle established by the apex court that criminal history is not a factor of refusal of bail and the said principle has been established by the apex Court in Criminal Appeal No.153 of 2020 arising out of SLP in the case of Prabhakar Tiwari vs. the State of Uttar Pradesh and other.

On the contrary, learned APP Mr. Binod Kr. No.3



appearing for the State has opposed the bail prayer and submitted that against the petitioner there is a serious and specific allegation.

Heard both the sides and perused the FIR and case diary. As per the FIR, there is specific allegation of opening fire against this petitioner and allegedly he fired at the informant and owing to that firing the informant sustained fire-arm injury at his left shoulder and during the occurrence one person died due to the fire-arm injury caused by co-accused Vicky Singh and others and the allegation made against this petitioner in the FIR has been supported by material witnesses examined in the course of investigation, though the medical expert's opinion does not corroborate to the allegation appearing against this petitioner from the FIR but the ocular evidence available in the case diary is fully corroborative to the allegation made in the FIR by the informant and petitioner's case does not stand on similar footing to the co-accused Umesh Singh who has been granted regular bail by the co-ordinate Bench of this Court vide order passed in Cr. Misc. No.72302 of 2021. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.



The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one year and if the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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