

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32712 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- SURYAPURA District- Rohtas

MUNJI SINGH @ RAKESH SINGH, Son of Hare Ram Singh @ Ram Dayal Singh Resident of Village - Agrer Kala Tola, P.S. - Suryapura, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Shankar Pandey
For the Opposite Party/s :	Mr. Jitendra Kumar Singh
	Mr. Nitya Nand Tiwary
	Mr. Sharad Shekhar
	Mr. Mukesh Kumar

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 27-04-2022 Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State.

The applicant/accused in Crime No. 130 of 2020, registered with Suryapura Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code as well as Section 27 of the Arms Act by this application is seeking his release on bail during pendency of the trial after filing of the charge-sheet.

Heard the learned counsel appearing for the applicant/accused.

By taking me through the F.I.R. of the subject crime, it is argued that injuries attributed to injured Sanjay Singh



cannot be caused by a country-made pistol or revolver as he suffered several pellets injuries. The cartridge containing pellets cannot be fired from the country-made pistol or revolver. It is further argued that there is *prima facie* no material to infer community of object as the incident took place over trivial issue of blocking the lane in the area. It is further argued that the applicant had not caused any injury to deceased Kamla Singh and therefore he is not responsible for death of Kamla Singh. Therefore, in view of submission of the learned counsel for the applicant, as the applicant is not guilty of the offence punishable for life imprisonment, he is entitled for bail.

The learned APP opposed the application by contending that the offence is serious and allegations are regarding assault by the fire-arm on injured Sanjay Singh.

I have considered the submissions so advanced and also perused the materials placed before me.

F.I.R. of the subject crime is lodged by Ajay Singh-son of deceased, Kamla Singh. Injured Sanjay Singh is son of first informant Ajay Singh.

According to the prosecution case, informant Ajay Singh, his father Kamla Singh and his son Sanjay Singh rushed to the spot after hearing commotion and saw Bikhari Singh was



being assaulted by accused persons including the present applicant by means of sticks. The first informant and his relatives then attempted to intervene in the quarrel. Then, accused Hare Ram summoned Ravindra Singh and Nandu Singh who came armed with country-made fire arms. It is further averred that co-accused Tara Muni Devi brought a gun as well as country-made fire-arm and handed over the same to co-accused Anil Singh as well as the applicant Munji Singh. The first informant alleged that Anil Singh fired and killed Kamla Singh whereas Munji Singh fired and caused injuries to Sanjay Singh.

The incident in question, according to the learned counsel for the applicant, has also given rise to the counter case. The counter case will have to be adjudicated on its own merits.

Prima facie the F.I.R. lodged by the eye-witness to the subject crime shows that the applicant had fired from a fire-arm and caused injury to Sanjay Singh, in the incident in which Kamla Singh was done to death by his associate Anil Singh. There cannot be any tangible evidence regarding common object of the assembly but the acts of the members of the assembly indicates community of object. No doubt that will ultimately be the subject matter of the trial. However, as the



applicant has taken active role in the assault in which one person was done to death, no case for grant of bail is made out.

The application is accordingly rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

skm/-

U		T	
---	--	---	--

