

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17595 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- MATIHANI District- Begusarai

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MUKESH KUMAR SINGH @ BULLA @ MUKESH KUMAR @ BHULLU
Son of Shiv Kumar Singh Resident of Village - Sonapur Dih, P.O. and P.S. -
Nayagaon, District - Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Vikas Ratan Bharti, Advocate
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Ashok Kumar, Advocate
For the State	:	Jitendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-08-2022 Heard Mr. Y.V. Giri, learned Senior Counsel for the

petitioner, Mr. Krishna Prasad Singh, learned Senior Counsel

who represents the informant and Mr. Jitendra Kumar Singh,

learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Matihani P.S. Case No.151 of 2021 instituted under
Sections 307, 302/34 of the Indian Penal Code and 27 of the
Arms Act.

As per the allegation in the FIR, the informant has
alleged that he along with his son Kunal Kumar @ Dillu



(deceased) and two others were moving on two motorcycles for distribution of cards in connection with marriage in the family. It is alleged that when they reached near Bhawanandpur, suddenly Gulshan Kumar, Vivek Kumar, Ajeet Kumar Singh (the petitioner herein) as also Mukesh Kumar intercepted them and thereafter it is alleged that on the exhortion of accused Ajeet Kumar Singh, the petitioner also opened fire on his son Kunal Kumar who was injured and died instantly. Further allegation is that when Murari Singh tried to escape, one Vivek Kumar also opened fire. They later fled away on motorcycles.

The reason behind this incident has been alleged to be Panchayat Election during which his son had dispute with the accused persons after which he was threatened of dire consequence.

Learned Senior Counsel submits that the incident is of 29.11.2021 at 01:00 PM but the FIR has been lodged on 30.11.2021 in the evening and there is nothing on record or in the FIR to explain the said delay. He further submits that a perusal of case diary and the statement made by Murari Singh who was pillion rider with the deceased shows slightly different version from what has been alleged in the FIR.

Per contra, Mr. Krishna Prasad Singh, learned Senior



Counsel for the informant submits that postmortem report shows that three gun shot injuries have been found on the person of the deceased and as such the petitioner herein cannot escape the allegations that has come in the FIR.

Mr. Jitendra Kumar Singh, learned APP on the other hand submits that contrary to the statement made in para-3 of the bail application that the petitioner has five criminal antecedent, as per the report vide memo no.1058/2022 dated 05.08.2022, the petitioner actually has seven criminal antecedents.

Taking into account the fact that the specific allegation has been made against the petitioner of opening fire causing immediate death of the son of the informant as also that he has five criminal antecedents, this Court is not inclined to grant him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

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