

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22050 of 2022

Arising Out of PS. Case No.-45 Year-2016 Thana- SINGHESHWAR District- Madhepura

Umesh Ram Son Of Late Kanchan Ram @ Bechan Ram @ Late Pancham
Ram R/O Village- Jobgani, P.S.- Gamharia, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-09-2022 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
Singheshwar P.S. Case No.45 of 2016 registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian
Penal Code as well as Section 27 of the Arms Act and Section
3(2)(v) of SC/ST Act.

As per the allegation, two unknown accused persons
shot at son of the informant when he was returning to his home
on a bicycle and after sustaining fire-arm injury, the victim
anyhow reached at the house of one namely Vijay Yadav and at



that time the victim was in injured condition and then the said Vijay Yadav informed the informant and thereafter the victim was taken to the hospital and during the course of taking the victim to Patna for better medical treatment he died and further allegation is that as per the informant the present petitioner who had been convicted in respect of the murder of informant's grandson was constantly making pressure on the deceased son of the informant to withdraw the said earlier case and in this regard he was threatened by this petitioner and his brothers and finally in furtherance of conspiracy hatched up by this petitioner, his brothers and other co-accused persons the informant's son was murdered by inflicting the fire-arm injury to him.

The main submissions advanced by the learned counsel Mr. Amarnath Jha for the petitioner are that admittedly the petitioner was in jail in connection with the Session Trial No.106 of 2012 in which he was convicted and sentenced and after serving about ten years of imprisonment, the petitioner was released on bail in the year 2022. Further submission is that the prosecution has failed to get any concrete evidence to support the allegation of conspiracy allegedly hatched up by this petitioner with his brothers to commit the murder of the



informant's son and mainly on account of old enmity running between this petitioner and the family of the deceased, the petitioner has been implicated in this case while admittedly he was not present at the place of occurrence at the time of happening of murder of the deceased.

Learned APP Mr. Binay Krishna appearing for the State has opposed the bail prayer and submitted that the present case relates to murder of informant's son and petitioner had earlier remained involved in the murder of the son of the deceased for which he had been convicted and the said fact completely goes against this petitioner and raises a strong suspicion against him and in the present time the investigation is pending in respect of some of the co-accused persons.

Heard both the sides and perused the FIR and the case diary of this case. The petitioner is named in the FIR, although he was behind the bars at the time of happening of the alleged murder regarding which there is no dispute but as per the prosecution, the murder of the informant's son was committed in furtherance of conspiracy hatched up by this petitioner and his brother and the victim was always threatened by the accused persons through mobile communications. The petitioner had been convicted in respect of the grandson of the informant in the



earlier case and the said fact goes against him and goes in favour of the prosecution’s allegation of conspiracy hatched up by accused persons to take revenge and moreover as per the prosecution the investigation is pending in respect of co-accused persons and the release of the petitioner on bail may have adverse effect on the prosecution in the instant case which relates to murder. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

sangam/-

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

