

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34321 of 2021

Arising Out of PS. Case No.-84 Year-2019 Thana- BEERPUR District- Begusarai

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ASHISH SINGH @ ASHISH ANAND @ RAJA @ RAJA SINGH Son of
Gopal Singh Resident of Village - Babhangama, P.S. birpur, District -
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 8-02-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code.

As per the prosecution case, the four named
accused persons including the petitioner herein and 2 to 3
unknown persons came on their scorpio vehicle at the chowk.
There was confrontation between the two groups over purchase
of liquor. The groups assaulted each other. Thereafter, it is
stated that the accused persons went away on their scorpio
vehicle but soon thereafter they returned and as a result of their
rash driving, they crashed their vehicle into the persons standing



near the tobacco shop as a result of which two persons namely Md. Badrujama and Deepak Kumar died on the spot.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He has not been named as the driver of the vehicle. He has no motive to commit the alleged offence. In course of investigation no place of occurrence was shown to the Investigating Officer in the sense that there was no blood spot etc. The two F.I.R. named eye- witnesses namely Md. Najrul and Md. Javed have not been examined in course of investigation. Other co-accused namely Ranjit Singh has been granted bail vide order dated 13.1.2020 passed in Cr. Misc. no. 67205 of 2019 and Rohit Kumar has been granted bail vide order dated 14.11.2019 passed in Cr. Misc. no. 66691 of 2019. The petitioner is in custody since 6.3.2021 and has no criminal antecedent. Charge sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State who submits that it has transpired in course of investigation in the further statement of the informant as also in the statement of the witness Md. Mukhtar that it was the petitioner who was driving the vehicle. Further, it has been submitted that in the above referred order dated 14.11.2019



passed in Cr. Misc. no. 66691 of 2019 granting bail to Rohit Kumar, this Court took note of the submission made on behalf of the petitioner that the specific allegation was against co-accused Ashish Singh and not the petitioner therein.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has transpired in course of the investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Prakash/-

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