

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42460 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

PRITAM SINGH S/O SHAMBHU SINGH R/o village- Teliya, P.S.-
Fullidumar, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 46090 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

BUCHCHI SINGH @ PRADEEP KUMAR SINGH Son of Late Mahendra
Singh Resident of Village - Teliya, P.S.- Fullidumar, Distt.- Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42460 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr.Sunil Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 46090 of 2021)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-08-2022 Learned counsel for the petitioners is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsels for the petitioners as well as
learned APP for the State.

The petitioners apprehend their arrest in connection with
Amarpur (Fullidumar) P.S. Case No. 440 of 2020, registered for the



offences punishable under Sections 302, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant Budhadeo Prasad Singh is father of Ashish Kumar Singh (deceased). In the morning of 02.08.2020, the informant got an information that someone has fired on his son and he is in injured condition. The informant rushed to the place of occurrence and found his son in a Xylo vehicle in injured condition. Blood was oozing from his neck. His son Ashish Kumar apprised his father (the informant) that the petitioner Pritam Singh and petitioner Buchchi Singh @ Pradeep Kumar Singh along with Gautam Singh, Satyapal Singh, Bhuto Singh and Lalan Singh had called him to their house and when he was returning, they accompanied him in his vehicle and in the midnight of 1 a.m. they made him injured by opening fire. They also snatched Rs. 20,000/- from his possession. The injured Ashish Kumar died during course of treatment on 04.08.2020.

Learned counsels for the petitioners have submitted that the occurrence took place on 02.08.2020 but FIR was lodged on 04.08.2020. They have also submitted that the petitioners are drivers and they were not residing there rather they were residing in Hazaribagh and Kahalgaon. They have also submitted that the *sasural* of the father of the deceased is in the village where the deceased was residing and he had inimical terms with the co-villagers due to which some of the co-villagers committed his murder



but the petitioners have falsely been implicated.

On the other hand, Sri. Shailendra Kumar, learned APP has submitted that in his dying declaration Ashish Kumar categorically named the petitioners as the assailants who opened firing on him. He has submitted further that the delay in lodging of the FIR has been explained in the *fardbeyan* itself as the deceased after receiving firearm injury was referred to the hospital in Bhagalpur and on 04.08.2020 he died.

Considering the above-mentioned facts and circumstances and also considering the fact that the deceased soon before his death named the present petitioners as assailants. As such, the petitioners do not deserve the privilege for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/-

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

