

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36106 of 2022**

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

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SUBODH KUMAR SINGH @ SUBODH SINGH Son of Late Arjun Singh
Resident of Village-Aawari, P.S.-Madhaurah, District-Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate, Mr.Satyam Shivam Sundaram, Advocate
For the Opposite Party/s :		Mr.Uday Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2022 The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Madhaurah P.S.Case No. 596 of 2019 under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504, 120(B) of the Indian Penal Code and under Sections 25(1-b)a, 26, 35, 27 of the Arms Act inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court by an order dated 16.12.2021 passed in Criminal Miscellaneous No. 43475 of 2021.



The accusation, according to the informant, namely, Vikas Kumar Singh, who is the Assistant Sub-Inspector of Police of Special Investigation Team, is that he along with other police personnel and constable had proceeded from Chapra to Marhaura police station at around 4.30 pm. on the alleged date of occurrence and had talked with the Officer-in-Charge of Marhaura police station regarding Garkha P.S. Case No. 512 of 2019 in respect of certain incident whereafter the informant along with other police personnel had proceeded to Chapra and reached there at about 6.20 pm. at Marhaura market in front of the LIC office. It further alleged that in the meantime, one white colour scorpio vehicle came there with 8 to 9 persons sitting therein and the said persons were variously armed with rifle, revolver and pistol. It is also alleged that 7-8 co-accused persons, riding on various motorcycles, had also reached there. Thereafter, the accused persons are stated to have got down from the Scorpio vehicle and the motorcycle in question, armed



with firearms and had not only assaulted the police personnel, but had also engaged in firing indiscriminately on the police party, resulting in firearm injuries to the police personnel as also subsequent death of one police personnel, namely, Mithilesh Kumar Shah and Farooque Alam. The accused persons are stated to have then fled away. As far as the petitioner herein is concerned, he is stated to be one of the assailant and his name has transpired during the course of the recording of the statement of the injured persons at the time of investigation.

The learned Senior Counsel for the petitioner, Sri P.K.Shahi, has submitted that the petitioner is languishing in custody since 15.1.2021 and there is no likelihood of completion of the ongoing trial in the near future, hence, the petitioner be granted bail.

Per contra, the Ld. APP for the State has submitted that the earlier order of this Court dated 16.12.2021 would depict that this Court had at length and elaborately discussed the materials



available on record, as against the petitioner, which had been collected during the course of investigation and is recorded meticulously in the case diary, apart from the fact that the petitioner is an accused in several other cases and he is a veteran criminal, hence, the petitioner does not deserve to be enlarged on bail, especially considering the fact that one police personnel had died and some other police personnel had been injured in the said occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioner and the Ld. APP for the State as also taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, apart from the fact that prima facie, there are ample materials on record to show the complicity of the petitioner in the alleged killing of the police personnel, namely, Mithilesh Kumar Sah and



moreover, the petitioner is having a bad antecedent, hence, I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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