

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52506 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

Kamlesh Singh @ Kamlesh Kr. Singh Son Of Jagdish Singh R/O Village-
Mahamadpur, P.S.- Benipatti, Dist.- Madhubani

... Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. V.V.Giri, Senior Advocate and
Mr.Ravindra Kumar Singh, Advocate

For the State : Mr.Anuj Kumar Shrivastava, APP
For the informant Kusum Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-04-2022 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in connection with
Benipatti P.S. Case No.67 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
326, 307, 302 and 120(B) of the Indian Penal Code and Section
27 of the Arms Act.

It is a case of murder of five members of a family.



Informant has named altogether 27 persons who had been seen at the place of occurrence. He has given the account of every moment of the alleged occurrence and has narrated as to who killed whom and who injured whom. According to him, on 29.03.2021 at about 1 pm, this petitioner and co-accused Bhola Singh, Manoj Jha, Sujeet Singh and Vimlesh Singh indiscriminately fired and assaulted the nephew of informant Ranvinaj Singh with iron pipe causing his instantaneous death.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Though the informant has claimed to be eye witness of the occurrence but in the FIR, he has himself stated that at 1 pm he heard the sound of firing and noise of the crowd, thereafter, he came out of the house and proceeded towards the direction from where firing sounds had come. It is also the case of the petitioner that though five persons have indiscriminately fired on the deceased Ranvijay Singh but in the post mortem report the doctor has found only one fire arms injury with wound of entry and wound of exit on the body of the deceased. During investigation, grand son of the informant Tapendra Singh who claims to be eye witness of the occurrence, has not whispered against the petitioner during course of investigation. Even, four



co-accused persons have not named this petitioner in their confessional statements. Apart from this, on the analysis of call detail records petitioner has not been found to be in touch with the accused persons at the relevant time. Petitioner has claimed clean antecedent and he is in custody since 7.4.2021. Investigation is complete.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that it is a case of five murder of the informant's family. Petitioner is named in the FIR with allegation that he along with other four accused persons shot fire from their pistols and assaulted the deceased with iron pipe. In the post mortem report, the doctor has found five injuries on the person of the deceased caused by firearms and of sharp cutting substance. Injury no. 1 and 5 caused by hard and blunt substance; injury no. 2 caused by sharp cutting substance; injury nos. 3 & 4 caused by fire arms, in which injury no.3 is wound of entry and injury no.4 is wound of exit at the right side of chest.

Considering the fact that there is specific allegation that the petitioner and four other accused persons indiscriminately fired and assaulted him with iron pipe causing death of nephew of informant which is corroborated by



the post mortem report, prayer for bail of the petitioner is
rejected.

(Prabhat Kumar Singh, J)

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