

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52121 of 2021

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

KAUSHIK SINGH @ SANTOSH SINGH Son of Musafir Resident of
Village- Mahamadpur, P.S.- Benipatti, District- Madhubani ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.V.Giri, Senior Advocate and Mr.Ravindra Kumar Singh, Advocate
For the State	:	Mr.Anuj Kr.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 five murder of informant's 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, the petitioner and co-accused Chandan Jha, Baban Singh, Munna Singh and Jhuna Singh fired indiscriminately with their respective pistols at the nephew of the informant Birendra Singh @ Biru Singh, as a result of which he died on the spot.

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 Birendra Singh but in the post mortem report the doctor has found only two fire arms injuries 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 who were named, have made their confessional statements but they have not named the petitioner. Apart from this, on the analysis of call detail records petitioner has not been found to be in touch with the FIR named accused persons at the relevant time. Petitioner has claimed clean antecedent and he is in custody since 11.5.2021. 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 at the deceased and the doctor has also found fire arms injuries on the body of the deceased.

Considering the fact that though there is allegation that five persons indiscriminately fired on the deceased but the doctor has found only two fire arms injuries on the body of the deceased, grand son of the informant, who claimed to be eye witness of the occurrence, has not made any accusation against the petitioner, investigation is complete and period of custody of the petitioner, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge V, Madhubani in Benipatti Police Station Case No. 67 of 2021.

(Prabhat Kumar Singh, J)

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