

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55967 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- MIRGANJ District- Gopalganj

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Arun Singh @ Arun Kumar, Son Of Shri Ram Singh @ Shri Ram Rai
Resident Of Village- Yado Pipra, P.S. Hathua, District- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Satyapal Singh
For the Opposite Party/s :	Mr. Md. Mushtaque Alam
	Mr. Abhay Kumar Singh
	Mr. Sidhartha Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302,
120(B)/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case, which was bailable in
nature and the informant alleges that while he was sitting along
with his grandfather at a grocery shop of Sandeep Singh and
were having tea when the petitioner along with one unknown
person came there on two motorcycles and thereafter, it is
alleged that Arun Singh (petitioner) and Srikant Singh armed
with pistol in their hands and fired indiscriminately upon the



grandfather of the informant, who sustained two gunshot injury in his left chest and one gunshot injury on his right chest and he died at the spot.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that during the course of investigation, the brother of the informant was also examined by the police, who in his statement under Section 161 of the Cr.P.C. has stated that the informant had disclosed that unknown person had killed him. Thus, it is submitted that when brother of the informant, whose statement was recorded on the same day, does not disclose the name of the assailant. It appears that the petitioner has been implicated in the present case by way of after thought, which also seems probable as the F.I.R. was instituted after the post mortem of the deceased.

Apart from this, the learned counsel also submits that during the course of investigation, material has come to suggest that the petitioner has been falsely implicated in the present case. The learned counsel next submits that deceased was a murderer and he was implicated in a case of murder.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposes the anticipatory



bail application and submits that there is a specific allegation in the F.I.R. that this petitioner along with Srikant Singh fired indiscriminately. It is next submitted that even the post mortem report corroborates the allegation as alleged in the F.I.R. It is next submitted that submission of the learned counsel for the petitioner is fit to be rejected solely on the ground that whatever has been submitted that will be seen in the trial and not at this stage.

The learned counsel for the informant further submits that if someone has murdered that does not even remotely suggest that he should also be murdered and murder should be avenge by murder.

Considering the submissions of the learned counsel for the informant as well as learned A.P.P. and the fact that petitioner is alleged to have assailant of the deceased, the Court is not inclined to extend the privilege of anticipatory bail.

Accordingly, his prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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