

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59421 of 2021

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

Navneet Singh @ Virat Singh @ Navneet Kumar Singh Son of Vinay Singh
@ Vinay Kumar Singh Resident of Village - Mishrawaliya, P.S.- Jalalpur,
Distt.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. Udai Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 27-07-2022 Heard learned senior counsel appearing on behalf of
the petitioner learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhaurah P.S. Case No. 596 of 2019 registered for the offence
under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333,
307, 302, 504 and 120(B) of the Indian Penal Code and Sections
25(1-b)a, 26, 35 and 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.05.2021.



The accusation, as set out in F.I.R. speaks, when a police team headed by Assistant Sub Inspector of Police, namely, Vikas Kumar Singh, alongwith other constables, when reached Madhaurah market, in front of LIC office, at about 6:20 pm, one white coloured Scorpio having 8 to 9 persons sitting therein, armed with rifle, revolver and pistol surrounded the police vehicle. It is further alleged that 7 to 8 accused persons, riding on motorcycle, also reached there. Petitioner, alongwith other co-accused persons, got down from the Scorpio and motorcycles, armed with fire arms, not only assaulted the police personnel, but also made indiscriminate firing on the police party, resulting fire arm injuries to be police personnel, subsequent of which, death of two police personnel, namely, Mithilesh Kumar Sah and Farooque Alam took place. The name of the petitioner surfaced on the basis of statement of injured constables, who were the eye witness of the occurrence, as recorded u/s 161 of the Cr.P.C., during the course of investigation, as available in paragraph nos, 32, 33 and 104 of the case diary.

Learned senior counsel, Sri P.K. Shahi, appearing on behalf of the petitioner submitted that the allegation as regard to fire, is not specific against this petitioner. It is submitted that the



injured/constable, who named this petitioner, during the course of investigation, claiming to be an eye witness of the occurrence, if believed to be true, name of this petitioner must be surfaced at the time of lodging the F.I.R. Learned senior counsel also relied upon the contents of supplementary affidavit dated 03.06.2022 filed in favour of the petitioner and submitted that the injured constable, namely, Rajnish Kumar, whose statement has been recorded in paragraph no.32 of the case diary, during the course of investigation, was examined before the Trial Court, suggesting material contradictions on the point of assault, which, in totality, if taken into consideration, creates a serious doubt as regard to involvement of the petitioner in the present set of occurrence. It is further submitted that similarly situated co-accused persons, whose names are not mentioned in the F.I.R., have already been granted bail by different learned Co-ordinate Benches of this Court. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel for the informant, submitted, by taking a contrary note of the submissions, as advanced by learned senior counsel appearing



on behalf of the petitioner, that there is specific allegation, as regard to fire upon deceased/constable Farooque Alam, against this petitioner. It is submitted that the post mortem report clearly speaks and suggests that deceased Farooque Alam received 5 to 6 bullet injuries, which finally caused his death. It is also submitted that there is no reason to disbelieve the version of injured constables, as surfaced during the course of investigation, who were none but the eye witness of the occurrence and also the police personnel accompanying with the deceased in patrolling van. It is further submitted that during the course of trial, the injured witness, namely, Rajnish Kumar, specifically stated that this petitioner had also fired upon the deceased and the discrepancies, as pointed out by learned senior counsel, is very minor and is not of such nature, which may contradict or falsify the entire allegation against the petitioner, on its face.

Learned counsel appearing on behalf of the informant submitted that the prayer of bail of other co-accused person, not named in the F.I.R., was also rejected by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 33322 of 2020 dated 18.01.2021. While concluding the argument, it is submitted that trial of this case is in progress, where three



witnesses have already been examined and is likely to conclude in very near future.

In view of the facts and circumstances, as mentioned above, as there is specific allegation, against this petitioner, to fire upon the deceased/constable, duly supported by injured eye witnesses during the course of investigation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

The Trial Court is directed to conclude the trial, preferably, within a period of nine months from the date of receipt of this order, by taking the matter on board on day to day basis.

Superintendent of Police, Saran is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial expeditiously within the stipulated period of time, as directed above.

(Chandra Shekhar Jha, J)

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