

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62422 of 2021**

Arising Out of PS. Case No.-73 Year-2021 Thana- SONBERSA District- Saharsa

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FULTUN SINGH @ FULTUN KUMAR, Son of Late Ramavtar Singh @
Ramotar Singh Resident of Village - Mali Bishnupur, P.s.- Beldaur, Distt.-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rashmi Jha
For the Opposite Party/s	:	Mr.Anita Kumari, APP
For the informant	:	Mr. Ibrahim Kabir, assisted by Ms. Shruti Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-03-2022 Heard the learned counsel for the petitioner, the learned
APP for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offences under Section 302/34 of the Indian Penal Code and
Section 27 of Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.05.2021, chargesheet has been
submitted and is a person with clean antecedent and the informant
who is wife of the deceased alleges that on 14.05.2021 at around
2:30 A.M. while she was sleeping with her husband and children,
she heard sound of firing, and thereafter found her husband lying
in the pool of blood and saw the petitioner along with other named
accused person fleeing from the spot, it is further alleged that the
deceased was hit on his head by bullets. Further, that the cause of



occurrence was on account of money dispute between the deceased and the petitioner who is cousin brother.

The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the police after investigation submitted final form in favour of three named accused person whom the informant is alleged to have seen along with petitioner. Learned counsel further submits that police after investigation found that it was this informant who was having illicit relationship with one Dilkhush Kumar on account of which she got her husband murdered, the learned counsel submits that since during the course of investigation, it transpired that it was the informant who along with Dilkhush had committed the occurrence but still the police in a mechanical manner submitted chargesheet against the petitioner also. The learned counsel further submits that it absolutely does not stand that if the police has found the case to be false against three named accused persons who were seeing fleeing as alleged by the informant then on what basis the allegation against the present petitioner was found. It is thus submits that police in a mechanical manner investigated the case and submitted the charge and falsely implicated the petitioner.

The learned APP for the State and learned counsel for



the informant vehemently oppose the prayer for bail application but are not able to make the submission of the learned counsel for the petitioner that during the course of investigation, it transpired that it was Dilkhush Kumar who in connivance with the present informant committed occurrence and killed the deceased.

Considering the fact that the petitioner is in custody since 16.05.2021, chargesheet has been submitted and is a person with clean antecedent and taking into consideration the submission made by learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sonbarsa Raj P.S. Case No. 73 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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