

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63197 of 2021**

Arising Out of PS. Case No.-450 Year-2020 Thana- BASANTPUR District- Siwan

ARVIND SINGH S/O DAMODAR SINGH (WRONGLY MENTIONED IN
THE F.I.R. S/O LATE MAKESHWAR SINGH) R/o village- Bithuna, P.S.-
Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63487 of 2021

Arising Out of PS. Case No.-450 Year-2020 Thana- BASANTPUR District- Siwan

SURAJ MANJHI Son of Daresh Manjhi Resident of Village- Bithuna, P.S.-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63197 of 2021)

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63487 of 2021)

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-04-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 302, 34, 324, 307 of the Indian Penal Code
and Section 27 of the Arms Act.

According to the prosecution case, in the garb of land
dispute, the petitioners along with their companions having



armed with gun and knife assaulted the informant and his family members. It is further alleged that the petitioners are said to have inflicted gun shot injury to one Pawan Baba and Amrit Singh, who died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners is innocent and have falsely been implicated in this case. He further submits that according to the F.I.R. the petitioner, Arvind Singh, said to have fired upon the neck of Pawan Baba as a result of which he sustained deadly injury and the petitioner, Suraj Manjhi, is stated to have been inflicted gun shot injury upon the chest of Amrit Singh, who died during course of treatment. He further submits that the parties are co-villagers and there is land dispute between the parties and on account of that, the petitioners have been made accused in this case. He further submits that during course of evidence none of the independent witnesses have supported the prosecution versions. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 08.01.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioners and submits that these petitioners happen to be one of the main assailants of the alleged occurrence of brutal murder. He further submits that it is apparent from the F.I.R. itself that both of them have fired upon



the victims, namely Pawan Baba and Amrit Singh, resultantlty Amrit Singh has succumbed before the injureis and died during course of treatment. Moreover, the witnesses have supported the prosecution version. He further submits that the petitioner, Arvind Singh carries twelve more cases other than the present one and the petitioner Suraj Manjhi bears clean antecedent.

He further submits that the trial of the case is likely to be concluded in near future as the report received from court below reveals that the charges have been framed in this case on 12.08.2021 and there is substantial progress in the trial of the case as out of eleven witnesses, six witnesses have been examined till date. Hence, the petitioners may not be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and also the gravity of offence as well as the stage of trial, this Court is not inclined to grant the privilege of bail to the petitioners. Accordingly, the prayer for bail of these petitioners is rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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