

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65342 of 2021

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

JHUNNA SINGH @ SHASHANK SHEKHAR SINGH Son of Babban Singh
@ Vavan Singh Resident of Village- Mahamadpur, P.S.- Benipatti, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. advocate
Mr. Ravindra Kumar Singh
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-04-2022 Heard learned senior counsel for the petitioner and
the State.

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



Kaushik Singh, Chandan Jha, Baban 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 in their confessional statements have not named this petitioner. Apart from this, on the analysis of call detail records petitioner has not been found to be in touch with the accused persons at the relevant time. Petitioner is in custody since 16.4.2021.



Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits 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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