

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70294 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DEHRI TOWN District- Rohtas

ABHAY KUMAR SINGH @ TINKU Son of Late Lakshman Singh Resident
of Village - Bhaisaha, Police Station - Indrapuri, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navendu Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 157 of 2021 arising out of Dehri Town P.S. Case No. 108
of 2021 registered under Sections 302, 120(B) of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.02.2021, charge-sheet has been
submitted in the case and has antecedent of one case. Learned
counsel further submits that informant alleges that his wife
Mousmi Bosh (deceased) was shot at her neck by a pistol from
behind in a street by a man on foot, who after firing fled while she
was returning back her house with staff Pappu Kumar Gupta after
closing her medicine shop. It is further alleged that Pappu Kumar
Gupta informed the informant about the occurrence and took his
wife to Sadar Hospital where she was declared dead by the doctor,



accordingly the informant based on suspicion instituted the present F.I.R. against eight named accused persons including the petitioner that they caught her wife to kill in conspiracy.

Learned counsel for the petitioner submits that the informant is not an eye witness to the occurrence and merely on the basis of suspicion as alleged that the petitioner along with other accused persons in conspiracy got his wife killed. It is further submitted that the petitioner is also a businessman having a mobile repairing shop near the shop of the deceased and as such was known to Pappu Kumar Gutpa the staff who was accompanying the deceased but he has not even raised any suspicion against the petitioner. The learned counsel further submits that it absolutely does not stand to reason that on what basis the informant despite not being an eye witness to the occurrence alleges that the petitioner in conspiracy with other accused got the deceased killed. It is further submitted that similarly situated co-accused Parmanand Sarawgi has been granted bail by order dated 22.03.2020 in Criminal Misc. No. 61436 of 2021, Benketesh Mishra has been granted bail by order dated 21.03.2022 in Criminal Misc. No. 61110 of 2021 and Ajay Kumar has been granted bail by order dated 23.03.2022 in Criminal Misc. No. 61819 of 2021.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case along with his brother Ajay Kumar @ Mandal. It is further submitted that both the brother were having mobile shop in the vicinity of the shop of the deceased and the learned counsel reiterates the submission made in the case of Ajay Kumar.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.02.2021, charge-sheet has been submitted and co-accused Ajay Kumar has been granted bail by order dated 23.03.2022 in Criminal Misc. No. 61819 of 2021, the petitioner on the same ground is directed to be released bail on furnishing bail bond of Rs. 10,000/- (Rupees Tenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 157 of 2021 arising out of Dehri Town P.S. Case No. 108 of 2021.

(Satyavrat Verma, J)

ved/-

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