

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12464 of 2022

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

Mukesh Safi S/O Rajendra Safi R/O Village- Gaibipur, P.S.- Benipatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11677 of 2022

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

Chandan Jha Son Of Baban Jha Resident Of Village- Twath, P.S.- Benipatti,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11855 of 2022

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

Praveen Jha Son Of Ghanshyam Jha Resident Of Village - Gaibipur, P.S.-
Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12205 of 2022

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



Shiveshwar Bharti @ Phool Babu Son Of Lalan Safi R/O Village- Semhli,
P.S.- Khirhar, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12220 of 2022

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

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Bhola Singh Son Of Manoj Singh Resident Of Village - Pawam, P.S.-
Benipatt, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 29533 of 2022

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

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Vinit Kumar Jha @ Vinit Jha S/O Late Dev Chandra Jha Resident Of Village-
Tooth, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12464 of 2022)

For the Petitioner/s : Mr.Shankar Kumar Choudhary

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 11677 of 2022)

For the Petitioner/s : Mr.Shankar Kumar Choudhary

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 11855 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv

Mr. Kaushal Kumar Jha, Sr. Adv

Mr. Yogesh Chandra Verma, Sr. Adv

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 12205 of 2022)



For the Petitioner/s : Mr.Shankar Kumar Choudhary
For the Opposite Party/s : Mr.Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 12220 of 2022)
For the Petitioner/s : Mr.Shankar Kumar Choudhary
For the Opposite Party/s : Mr.Indu Kumari Srivastava
(In CRIMINAL MISCELLANEOUS No. 29533 of 2022)
For the Petitioner/s : Mr.Shivnandan Bharti
For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

13 11-04-2023 Heard learned senior counsel for the
petitioners, informant and learned A.P.P for the State.

The petitioners are languishing in custody in a
case registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 325, 326, 307, 302,
120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case as per F.I.R is that on
29.03.2021 at about 1:00 P.M, the informant heard
sound of firing from a distance of 100-150 meter
towards northern direction of the house of Rudra
Narayan Das. On hearing the gunshot firing and *hulla* of
the people of the vicinity, the informant ran towards that
direction and reached near the house of Rudra Narayan
Das from where he saw that petitioners Praveen Jha (Cr.



Misc. No. 11855/2022), Vinit Jha (Cr. Misc. No. 29533/2022) and co-accused Navin Jha shot at his nephew, Rana Pratap Singh, who fell down and thereafter, petitioner Shiveshwar Bharti @ Ful Babu (Cr. Misc. No. 12205/2022) tore the stomach of Rana Pratap Singh with *bhujali*. It is next alleged that petitioner Chandan Jha (Cr. Misc. No. 11677/2022) and co-accused Kaushik Singh @ Santosh, Baban Singh, Munna Singh and Jhunna Singh fired indiscriminately with their individual pistols at his nephew namely Birendra Singh @ Biru Singh, who got badly injured. It is further alleged that petitioner Bhola Singh (Cr. Misc. No. 12220/2022) and co-accused Kamlesh Singh, Manoj Jha, Surjeet Singh, Vivek Singh @ Vimlesh Kumar Singh @ Vimlesh Singh fired individually from their pistols upon the nephew of the informant namely Ranvijay Singh and also assaulted him with iron pipe on account of which, he sustained injuries and died at the spot. It is also alleged that petitioner Mukesh Safi (Cr. Misc. No. 12464/2022)



and co-accused Amarjeet Jha, Ashok Singh, Manoj Singh, Umesh Singh fired individually from their pistols on his nephew Amrendra Singh and also assaulted him with iron pipe on account of which, he also sustained injuries. Thereafter, it is alleged that Sujay Safi, Prashant Jha, Vishwajeet Kumar, Anant Choudhary and Ankit Ja assaulted his son namely Manoj Singh with pistol, iron rod and iron pipe on account of which, he received injuries. The injured were thereafter brought to Benipatti Hospital and from there, all were referred to D.M.C.H, where during treatment Biru Singh died. The informant came to know that other co-accused persons namely Rajesh Kumar Jha, Shobha Kant Mehta, Rishikesh Jha @ Raja, Abhishek Kumar Jha, Devendra Nath Thakur and Sunaina Devi had also assembled at the house of his co-villager Ashok Singh and planned a conspiracy and thereafter the present occurrence was committed.

It is submitted by learned senior counsel for



the petitioners that petitioners are innocent and they have falsely been implicated in this case. From bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are inherently improbable and patently absurd as the informant in the F.I.R. alleges that on hearing sound of firing, he ran about 100-150 meter and thereafter he saw the occurrence. It is precisely not possible for any person to be so specific in remembering that which accused was carrying which weapon when his own family members are being assaulted and that too in such a brutal manner. It is further submitted that informant is related to the deceased and he alleged that he was witness to the occurrence in which five persons of his family died but it is highly improbable that when the accused were committing the occurrence and the informant being relative of the deceased was present at the place of occurrence and he witnessed the occurrence with so close range then why the accused persons did not kill



him and left the informant to become the witness of the occurrence. It is next submitted that the F.I.R. does even remotely suggest that the informant was witnessing the occurrence from a place, which was not visible to the accused persons. Learned senior counsel further submits that confessional statement of petitioner Praveen Jha has no legal value as it was obtained forcefully on blank paper which was later on converted into his confessional statement. The postmortem reports of the deceased do not corroborate with the story of the prosecution as alleged in the F.I.R. There is a delay of more than seven hours and thirty minutes for lodging the F.I.R for which no explanation was given. It is also submitted that no independent witness has supported the prosecution story.

The Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that it is the specific case of the informant that petitioner Praveen Jha (Cr. Misc. No.



11855/2022), Vinit Kumar Jha (Cr. Misc. No. 29533/2022) and co-accused Navin Jha fired from their pistols on the head and face of the nephew of the informant namely Rana Pratap Singh and thereafter, petitioner Shiveshwar Bharti @ Phool Babu (Cr. Misc. No. 12205/2022) tore the stomach of Rana Pratap Singh with *bhujali*. The postmortem report of deceased Rana Pratap Singh is at para 144 of the case diary which suggests that deceased had received four injuries, out of which two injuries are firearm injuries whereas one injury is incised wound on right side of abdomen 8" oblique with 4" width, intestine, stomach with omentum massively cut through caused by sharp edge substances of weapon whereas other injury is muscle deep of 2.5" x 1/2" on the left parieto of occipital area with no bone expose and no fracture seen. Learned A.P.P further submits that it is specifically alleged against petitioner Chandan Jha (Cr. Misc. No. 11677/2022) and co-accused Kaushik Singh @ Santosh, Baban Singh, Munna



Singh and Jhunna Singh that they fired indiscriminately with their individual pistols at the nephew of the informant namely Birendra Singh @ Biru Singh. The postmortem report of the deceased Birendra Singh @ Biru is at para 146 which suggests that deceased sustained three gunshot injuries and one was caused by a sharp cut weapon. Learned A.P.P also submits that petitioner Bhola Singh (Cr. Misc. No. 12220/2022) and co-accused Kamlesh Singh, Manoj Jha, Surjeet Singh, Vivek Singh @ Vimlesh Kumar Singh @ Vimlesh Singh are specifically alleged to have fired individually from their pistols upon the nephew of the informant namely Ranvijay Singh and also assaulted him with iron pipe. The postmortem report of deceased Ranvijay Singh is at para 142 of the case diary which suggests that the deceased received four injuries out of which, one injury was caused by firearm. It is also specifically alleged that petitioner Mukesh Safi (Cr. Misc. No. 12464/2022) and co-accused Amarjeet Jha, Ashok Singh, Manoj Singh,



Umesh Singh fired individually from their pistols on the nephew of the informant namely Amrendra Singh and also assaulted him with iron pipe. The postmortem report of deceased Amrendra Singh is at para 148 of the case diary which suggests that the deceased sustained five injuries out of which two injuries are caused by firearm.

It is further submitted by learned A.P.P for the State that statement of Sonu Chaudhary was recorded which is at para 91 of the case diary wherein he has named the petitioners in commission of occurrence. Learned A.P.P also submits that the statement of one independent witness Vivek Kumar Singh was also recorded which is at para 336 of the case diary wherein he has supported the prosecution case and specifically named the petitioners in commission of the offence.

In the facts and circumstances of the case, this Court is not inclined to grant privilege of bail to the petitioners.



The prayer for grant of bail to the petitioners
stands rejected.

The Trial Court is directed to expedite the trial
and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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