

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14886 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- KOTWA District- East Champaran

BHAGYANARAYAN SINGH S/O LATE BIINDU SINGH R/v- Jasauli Patti,
P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2023 Heard the parties.

Petitioner apprehends arrest in case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per F.I.R, is that on 06.07.2022, the husband of the informant, namely, Amit Ranjan along with his brother Sumit Ranjan Singh left for duty on his motorcycle. She was also with her father-in-law Ramesh Narayan Singh on motorcycle. When they reached near Banbirwa Nahar, 6-7 persons on three motorcycles, out of whom she knew co-accused Ajit Kumar, Sri Narayan Singh, Ravi Ranjan Kumar Singh, this petitioner and 2-3 other unknown persons surrounded her husband Amit Ranjan and Sumit Ranjan Singh and forced them to alight from the



motorcycle on threat of arms. In the meantime, this petitioner ordered to kill on which co-accused Ajit Kumar and Sri Narayan Singh ordered to catch them and thereafter, they all caught them. Thereafter, Ajit Kumar and Sri Narayan Singh started indiscriminate firing on her husband and *Devar*. Co-accused Ajit Kumar fired several rounds on the chest of her husband from his country made pistol whereas co-accused Sri Narayan Singh fired several rounds on chest of her Devar Sumit Ranjan Singh resulting into death of both the brothers. She and her father-in-law seeing the occurrence were stunned and raised alarm, thereafter, all of them fled away firing in the air.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is highly improbable that the accused persons will leave the informant and her father-in-law who alleges to be the eye witnesses to the occurrence. There is no independent witness to the occurrence even when the occurrence is said to have taken place in broad day light which also creates doubt on the prosecution story. It is lastly submitted that accusation of indiscriminate firing is against co-accused Ajit Kumar and Sri Narayan Singh. So far this petitioner is concerned, he is only alleged to be the order giver and catching the deceased. The



alleged occurrence took place due to the dispute of the informant with her neighbours and taking advantage of the same, the petitioner has been made accused in this case in the background of previous dispute between the parties.

Learned A.P.P. for the State opposes the bail application and submits that husband and dewar of the informant died on the spot as a result of gunshot injury sustained by them. Petitioner is named and he was one of the persons to catch the deceased persons at the time of assault. The post-mortem report also corroborates the case of the prosecution.

Considering the facts and circumstances of the case, anticipatory bail application of the petitioner is **rejected**.

(Prabhat Kumar Singh, J)

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