

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20572 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- JAMOBABAZAR District- Siwan

BALIRAM SINGH Son of Late Babu Ram Singh Resident of Village -
Sultanpur Khurd, Police Station - Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Md. Arif, A.P.P.
For the Informant	:	Mr. Raghav Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through Virtual Court Proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and is in custody since 22.01.2022 and the informant alleges that on 12.01.2022 at about 10:00 AM, Janardan Singh, his uncle, was sitting on a cot when two unknown persons came on a motorcycle and one of them opened fire on account of which the victim received gun shot injuries on his chest, waist and thighs and thereafter the



miscreants fled away and the victim on way to hospital died.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that during the course of investigation at the instance of the spy one Santosh was arrested and the name of the petitioner transpired in the confessional statement of Santosh in police custody which does not have any evidentiary value, it is also submitted that since the petitioner had talk with Santosh, as such he came to be implicated.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner and learned counsel for the informant submits that during the course of investigation, the call records and Pen Drive of the petitioner was investigated and it was found that it was the petitioner who had disclosed to the criminals that Janardan Singh was sitting in his house and based on such information, the criminals came and shot the deceased.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined the release the petitioner on bail.

Accordingly, the present bail application stands rejected.



However, the petitioner would be at liberty to renew his prayer for bail after framing of charge as it has been submitted that the petitioner has been implicated in the present case based on confessional statement and the investigation carried by the police is also not admissible until tested in a duly constituted trial.

(Satyavrat Verma, J)

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