

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37411 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- MUFFASIL District- Aurangabad

Santosh Singh, aged about 35 years, Male, S/o Ajay Singh R/o village-Kunda, P.S.- Aurangabad Mufassil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Aurangabad Mufassil P.S. Case No. 42 of 2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC') and 27 of the Arms Act.

There is allegation in the First Information Report (for brevity 'F.I.R.') that the parties are at loggerheads over cultivation rights in respect of certain lands, and the accused persons have indiscriminately assaulted the informant and his family members. It is specifically alleged that the instant petitioner along with co-accused, namely Sujit Singh, have resorted to firing leading to injury upon the informant's brother, Minku Kumar, who has succumbed to the injuries.

Learned counsel for the petitioner submits that the sequence of events, including the preparation of inquest and post mortem report, suggests that the F.I.R. has been lodged after meticulously planning the allegations. There is subsisting rivalry between the parties which is obvious from the fact that earlier two cases have been lodged by



the same prosecution parties.

Learned APP submits that there is specific allegation of causing the fatal fire arm injury against the petitioner along with co-accused, namely, Sujit Kumar. The bail of the co-accused, namely, Sujit Kumar, has been rejected in Cr. Misc. No. 3970 of 2022. It is further submitted that petitioner has two criminal antecedents as per disclosure made in Paragraph No. 3 of the bail application. The petitioner, therefore, should not be considered for grant of privilege of bail.

Considering the rival submissions, criminal antecedents, nature of accusations and rejection of similarly situated co-accused prayer for bail, this Court, for the purposes of grant of bail, is not inclined to accept the submissions advanced by the petitioner’s counsel.

Prayer for bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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