

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35192 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- SIKANDRA District- Jamui

Pankaj Singh S/O Arjun Singh Resident Of Village- Bishnupur, Police
Station- Sikendra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Section 366(A)/34 of the Indian Penal Code. Subsequently Sections 147, 148, 149, 302, 392, 120(B) of the Indian Penal Code. I.P.C and Section 27 of the Arms Act.

The prosecution case as per F.I.R. is that on 06.12.2021 at about 11:30 A.M., while the informant was going to Sikandara market from his house and when he reached near the field, he saw that his agnates named in the F.I.R, six in numbers, who were concealed



themselves in a bush with deadly weapons, suddenly surrounded the son of the informant and started making indiscriminate firing. On hearing the sound of firing, the informant ran towards the place of occurrence and saw that all the accused persons, including the petitioner fleeing away from the place of occurrence and his son was lying there in the pool of blood.

Learned counsel appearing on behalf of the petitioner submits that from perusal of the F.I.R., it is evident that the informant is not an eye-witness to the alleged occurrence, as he himself submitted that having heard the sound of firing, he ran towards the place of occurrence and thereafter, he saw all the accused persons fleeing away from the place of occurrence, even if the allegation is taken to be true. He further submits that the informant categorically stated that there was a land dispute with his elder brother namely, Arjun Singh, and the accused persons are their agnates and due to which suspicion has been raised regarding the



involvement of the petitioner in the present crime. He next submits that even during the course of investigation, no specific material has come against the petitioner, rather it has come that on account of the land dispute, all the accused persons including the petitioner might have killed the deceased. The petitioner is languishing in custody since 05.03.2022.

On the other hand, learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the bail application and submits that in fact the informant is the eyewitness to the alleged occurrence and in his restatement, he fully supported the prosecution case that the petitioner and others have killed his son because of the land dispute. The postmortem report also corroborates that the deceased died on account of bullet injuries and furthermore, the deceased has sustained four bullet injuries over his body and three empty cartridges have also been found at the place of occurrence.



Considering the fact that in the background of land dispute the occurrence took place where no specific accusation has been alleged against the petitioner and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jamui in connection with Sikandara P.S. Case No. 335 of 2021.

(Sunil Kumar Panwar, J)

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