

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50958 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

Arjun Singh @ Kanhaiya Singh Son of Ajit Kumar Singh @ Ajit Singh
Resident of Village- Belwatiker, Ps- Daltonganj, Dist- Palamau, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Singh, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Amba P.S Case No. 191 of 2022 dated 06.08.2022 registered for the offence punishable u/s 302, 307/34 of the Indian Penal Code.

4. As per the prosecution case, on 05.08.2022 the informant, Suman Kumari, along with her brother Sonu Kumar and her husband Sujit Mehta had gone to Amba for marketing and while returning, they reached near Batane river, 4



miscreants boarded on motor-cycles came there and two miscreants who were sitting on the rear seat opened fire. The husband of the informant and Chandan Kumar sustained injuries and fell down. It is further alleged that the informant identified one of the assailants who had opened fire as Akash Kumar Singh.

5. It is also alleged that the miscreants also fired on the informants and her brother but the bullet did not hit them. Thereafter, it is alleged that all the miscreants fled away from the scene of the occurrence towards Navinagsar. It has been further alleged that the injured Chandan Kumar said that co-accused Akash Kumar Singh and Chuna Singh had fired on Ajit Mehta and identified a person, who was driving the motor-cycle as Nand Kishore. Thereafter, Sujit Mehta was immediately rushed to the Sadar Hospital where he was declared dead. According to the informant, her husband was shot dead due to previous enmity with the accused persons.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of Subham Singh. Nothing has been recovered from the conscious



possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 63318 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.10.2022.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Amba P.S. Case No. 191 of 2022.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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