

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53536 of 2022

Arising Out of PS. Case No.-129 Year-2020 Thana- MUSRIGHRARI District- Samastipur

AKHILESH KUMAR SINGH S/o Sone Lal Singh R/o village- Bhaghi
Ek dara, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-02-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mushrigharari P.S. Case No. 129 of 2020 registered for the
offences punishable under Sections 302, 120B of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's son had gone
for shaving in a saloon and while returning from the field, she
found her son being surrounded by the petitioner along with
some other co-accused persons, who made indiscriminate firing
on her son owing to which her son got injured and he died

during medical treatment.

The main submissions advanced by learned counsel Mr. Anil Kumar Singh appearing for the petitioner are that in the FIR there is no direct allegation against the petitioner and the informant simply raised suspicion against the petitioner being involved with co-accused persons in the alleged murder of her son while the informant claimed herself to be an eye-witness of the alleged murder but she did not reveal any specific role of the petitioner in the said crime and previously the informant had lodged Samastipur Muffasil P.S. Case No. 148/2020 and Mushraigharari P.S. Case No. 120/2019 and due to political rivalry the petitioner was again implicated by the informant in the present matter. Further submission is that there are three other cases against the petitioner out of which two mainly relates in respect of the violation of prohibitory orders and in two cases, he has been granted bail. Further submission is that one named co-accused Sonelal Singh has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 22452/2021 and the petitioner's case stands on better footing as the said co-accused is carrying specific allegation in the FIR and in the present matter, the petitioner has been languishing in jail since 09.05.2022 and against him the

investigation has been completed.

Learned APP Mr. Zainul Abedin appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the facts that in the FIR the informant simply raised suspicion against the petitioner and as per the above submission, there was not good relation in between the petitioner and the informant when the alleged occurrence took place and the petitioner's case appears to be on better footing from the co-accused Sonelal Singh, who is on bail and against him the investigation has been completed, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mushrigharari P.S. Case No. 129 of 2020.

(Shailendra Singh, J)

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