

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHAN District-
Sheohar

Petitioner/s

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Binod Kumar Sinha, Advocate
Mr. Ajay Kr. Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

5 13-12-2023 1. Heard learned Senior counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Shaymapur Bhathan P.S. Case no. 124 of 2022, registered under section 302 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that in the morning at about 6 a.m. while he was seated along with others, the accused persons including the petitioner herein came on different motorcycles. The petitioner and one Amit Kumar Singh resorted to indiscriminate firing from their pistol as a result of which the informant's brother was seriously injured. He was taken to the hospital for treatment where the



doctor declared him dead.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case because of local village politics and land dispute between the parties. It is submitted that while the occurrence is said to have taken place at about 6 a.m., the police reached the place of occurrence at 7 a.m., however, the name of the petitioner was not disclosed as an assailant nor did the police proceed to register the F.I.R. It was only after much delay of about 12 hours that the F.I.R. was registered at about 5:30 p.m. It is further submitted that in course of investigation confessional statements of a number of co-accused were recorded wherein they have stated that the assailant was one co-accused Madhu and one another co-accused Sunny also resorted to firing. The petitioner is in custody since 8.6.2023 and a number of other co-accused have been enlarged on anticipatory bail.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties, having perused the material on record and taking into consideration the allegation in the F.I.R. wherein the petitioner along with one Amit Kumar Singh are said to be the assailant of



the deceased, the Court is not inclined to enlarge the petitioner
on bail and the application is rejected.

(Partha Sarthy, J)

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