

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60839 of 2023

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

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AMIT KUMAR@ AMIT KUMAR SINGH SON OF SUNIL SINGH
RESIDENT OF VILLAGE- RAMBAN, PS- SHYAMPUR BHATAHA,
DSTRICT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Shayampur Bhataha P.S. Case No. 124 of 2022 registered for
the offences punishable under Sections 302, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and co-accused
Nitesh Kumar Singh @ Chhotu Singh are said to have made
indiscriminate firing from the pistol as a result of which
informant's brother sustained severe injury and fell on the
ground and the injured was taken to hospital where he was
declared dead by the doctor. It is further alleged that nine
accused persons including the petitioner and some unknown



have concertedly participated in committing the alleged occurrence.

4. Learned counsel for the petitioner submits that from perusal of the FIR, it appears that petitioner and co-accused Nitesh Kumar Singh @ Chhotu Singh are the main assailants of the deceased but during course of investigation it is found that assailants of the deceased are Madhu Singh and Sunny Singh. In this way, petitioner is quite innocent and has not committed any offence as alleged in the FIR. It is further submitted that petitioner's wife contested the Mukhiya election and from informant's side wife of the deceased was elected as Mukhiya and on account of election of Mukhiya, rivalry took place between petitioner and informant's side. He further submits that on the said ground petitioner has been roped in the present case. He further submits that co-accused Sunny Singh and others have already been granted bail by co-ordinate Benches of this Court, as mentioned in para 14 of the bail petition. Petitioner is in custody since 19.05.2023 and bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner. He referred towards restatement of informant as well as statement recorded at para



15 of the case diary where there is direct allegation that petitioner and other made indiscriminate firing upon the deceased and the postmortem report corroborates the allegation made in the FIR. He further submits that there is no reason to grant bail to the petitioner as the case of present petitioner is totally different from the co-accused who have been granted bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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