

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57769 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- FATUA District- Patna

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UMESH RAI @ UMESH SINGH Son of Jamun Singh Resident of village -
Supanchak, P.S.- Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr. Shashi Shekhar Tiwary
		Ms. Usha Kumari
		Mr. Shivam Kumar
For the Opposite Party/s :		Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

5 19-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Fatuha P.S. Case No. 35 of 2020, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant Ameriki Devi is widow of the deceased Jagdev Singh. As per FIR, when she was going to market with her husband, nine accused persons on three motorcycles came there and surrounded her husband and started firing on him. Her husband sustained one bullet injury and fell down in the field. Thereupon, the petitioner fired shot on his head. Thereafter, co-



accused Hareram and Pintu Gope fired shot on his head and co-accused Ravi Kumar fired shot at his stomach. Pramod Paswan fired shot on his body. Bhushan Singh and Mukesh Yadav also fired shot at his stomach. It has been mentioned that prior to this occurrence also, the accused persons had attempted to kill the husband and son of the informant and in this respect, FIR has already been lodged.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is land dispute and previous enmity between the parties. Prior to the occurrence, the members of prosecution side had committed murder of son of the petitioner. He has submitted further that that information was given in police station at 2:15 p.m., but the FIR was lodged at 8:00 p.m., after preparing the inquest report and the seizure list.

On the other hand, Sri Shailendra Kumar, the learned APP for the State has opposed the prayer for bail and submitted that three witnesses in paragraph nos. 10, 11 and 12 of the case diary have supported the prosecution case. They categorically stated that the petitioner fired shot at the head of the deceased. He has submitted further that the allegation is corroborated by post-mortem report and inquest report. He has also submitted



that six fire arm injuries were found on the person of the deceased, which are on his head, arms and stomach, which shows that the accused persons brutally murdered the deceased.

Considering the evidences collected during the investigation, I do not think it to be a proper case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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