

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54348 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- SANGRAMPUR District- Munger

Satish Sharma S/O Sri Prakash Sharma R/O Village- Kari Koal (Jhunjhunia),
P.S.- Sangrampur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57448 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- SANGRAMPUR District- Munger

Suraj Jha @ Ravi Jha Son Of Late Vijay Shankar Jha Resident Of Village-
Supour Jamua, P.S.- Sangrampur, Dist- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64602 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- SANGRAMPUR District- Munger

Rahul Sah @ Sangam Raj S/O Upendra Sah R/O Village/Muhalla- Durgapur,
P.S- Sangrampur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54348 of 2022)

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP
For the Informant/s : Mr. Manish Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 57448 of 2022)

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP
For the Informant/s : Mr. Manish Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 64602 of 2022)

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP
For the Informant/s : Mr. Manish Kumar Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-02-2023 All the criminal miscellaneous petitions have arisen out of same police station case number, hence they are being heard together and disposed of by a common order.

Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsels for the petitioners and learned APPs for the State as well as learned counsel for the informant.

Petitioners seek regular bail in connection with Sangrampur P.S. Case No. 146 of 2022 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution, the informant's son namely, Mukesh Kumar was shot down by these petitioners over some previous enmity.

The main submissions advanced by learned counsel Mr. Ram Sevak Choudhary, appearing for the petitioner Satish Sharma are that against the petitioner there is a general and omnibus allegation in the FIR and as per the informant the said petitioner is not alleged to have fired at the deceased at the time



of alleged occurrence and as per the prosecution the victim was referred to Bhagalpur for medical treatment but his statement/fardbayan was not recorded and the main allegation of firing is against the co-accused Somnath Singh. Further submission is that the said petitioner has been languishing in jail since 03.06.2022 and against him there is only one criminal antecedent in which he is on bail.

The main submissions advanced by learned counsel Mr. Kumar Kamal Nayan, appearing for the petitioner Suraj Jha @ Ravi Jha are that the said petitioner has been languishing in jail since 03.06.2022 and against him there is no specific allegation in the FIR and there is only one criminal antecedent in which he is on bail.

The main submissions advanced by learned counsel Mr. Sanjiv Kumar Singh, appearing for the petitioner Rahul Sah @ Sangam Raj are that this petitioner is not named in the FIR and his name surfaced in the statement of co-accused namely, Somnath Singh and he has been languishing in jail since 23.08.2022 and against him there are criminal antecedent of two cases in which he is on bail.

Learned counsel Mr. Manish Kumar Singh, appearing for the Informant has vehemently opposed the prayer for bail of



all the petitioners and submitted that the material witness namely, Mahesh Kumar who was along with the deceased when the alleged occurrence took place, revealed the role of all the petitioners in the alleged crime of murder and supported the presence of all the petitioners along with the main co-accused when the alleged occurrence took place and as per the post-mortem report of the deceased seven metallic pellets were recovered from the body of the deceased.

Heard both the sides, perused the FIR and the case diary of this case. The instant matter relates to murder of informant's son and the informant claimed to have got the knowledge of the alleged incident from his own deceased son when he was in injured condition and during the investigation, one material witness namely, Mahesh Kumar who is said to be along with the deceased when the alleged occurrence took place, supported the participation of the petitioner namely, Satish Sharma and Suraj Jha in the alleged crime of murder. Considering the nature of allegation appearing against the petitioners namely, Satish Sharma and Suraj Jha, this Court is not inclined to accept their prayer for bail. Accordingly, the prayer for bail of the petitioners Satish Sharma and Suraj Jha stand rejected.



So far as the prayer for bail of petitioner Rahul Sah @ Sangam Raj is concerned, as he is not named in the FIR hence, in view of this fact he deserves to the lenient approach of this Court. Accordingly, let the petitioner Rahul Sah @ Sangam Raj 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 concerned Court in connection with Sangrampur P.S. Case No. 146 of 2022.

(Shailendra Singh, J)

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