

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64028 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- KOTWA District- East Champaran

Ajit Kumar @ Ajit Kumar Chaudhary Son Of Shivnath Chaudhary At Present
Resident Of Rahul Nagar, P.S- Brahampura, District- Muzaffarpur Permanent
Resident Of Balhi Narhar, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64395 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- KOTWA District- East Champaran

Ravi Ranjan Kumar Singh @ Ravi Ranjan Singh Son Of Bhagnarayan Singh
R/O Vill.- Jasauli, Patti, P.S.- Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65344 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- KOTWA District- East Champaran

Shri Narayan Singh S/O Late Binda Singh R/O Village- Jasauli Patti, P.S-
Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 64028 of 2022)
For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh
(In CRIMINAL MISCELLANEOUS No. 64395 of 2022)
For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Ajay Kumar Jha
(In CRIMINAL MISCELLANEOUS No. 65344 of 2022)
For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Ajay Kumar Jha



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioners, informant and learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that on 06.07.2022, the husband of the informant namely Amit Ranjan along with his brother Sumit Ranjan Singh left for duty on his motorcycle. She was also with her father-in-law Ramesh Narayan Singh on motorcycle. Her husband and his brother were ahead of them. When they reached near Banbirwa Nahar, 6-7 persons on three motorcycles, out of whom she knew Ajit Kumar, Sri Narayan Singh, Bhagyanarayan Singh, Ravi Ranjan Kumar Singh and she also knew 2-3 unknown persons by face and can recognize them if she sees them but



does not know their names, surrounded her husband Amit Ranjan and Sumit Ranjan Singh and forced them to alight from the motorcycle on threat of arms. In the meantime, Bhagya Narayan Singh ordered to kill on which Ajit Kumar and Sri Narayan Singh ordered to catch them and thereafter Bhagya Narayan Singh and Ravi Ranjan Kumar Singh and 2-3 unknown persons caught them. Thereafter, Ajit Kumar and Sri Narayan Singh started indiscriminate firing on her husband and Devar. Petitioner Ajit Kumar fired several rounds on the chest of her husband from his country made pistol whereas petitioner Sri Narayan Singh fired several rounds on chest of her Devar Sumit Ranjan Singh resulting into death of both the brothers. She and her father-in-law seeing the occurrence were stunned and raised alarm thereafter all of them fled away firing in the air.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have



falsely been implicated in this case. It is highly improbable that the accused persons will leave the informant and her father-in-law who alleges to be the eye witness to the occurrence. It is also highly improbable that they will not protest to the accused persons and watch killing of their family members in the hands of the accused persons. There is also no independent witness to the occurrence when the occurrence is said to have taken place in broad day light which also creates doubt on the prosecution story. The alleged occurrence took place due to the dispute of the informant with her neighbours and taking advantage of the same, the petitioners have been made accused in this case in the background of previous dispute between the parties. It is also submitted that it is the case of the prosecution that petitioner Ajit Kumar and Sri Narayan Singh indiscriminately fired upon the husband and Dewar of the informant and subsequently petitioner/Ajit Kumar fired several rounds on the chest of the husband of the



informant but the postmortem report shows only one entry and exit wound which is sufficient to prove that informant was not an eye witness. The petitioners are languishing in custody since 09.07.2022 and 22.07.2022 respectively.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners and submitted that there is specific accusation against the petitioners Ajit Kumar @ Ajit Kumar Chaudhary and Shri Narayan Singh that they shot fire at the husband and brother-in-law of the informant, as a result of which, they sustained gunshot injuries and died. During investigation, the independent witnesses have supported the case of the prosecution. The postmortem report also corroborates the case of the prosecution.

Considering the fact that there is direct allegation against petitioner Ajit Kumar @ Ajit Kumar



Chaudhary (Cr. Misc. No. 64028/2022) and Shri Narayan Singh (Cr. Misc. No. 65344/2022) that they shot fired at the husband and brother-in-law of the informant, resulting into their deaths, this Court is not inclined to grant privilege of bail to the petitioners above named. The prayer for grant of bail with regard to petitioners Ajit Kumar @ Ajit Kumar Chaudhary (Cr. Misc. No. 64028/2022) and Shri Narayan Singh (Cr. Misc. No. 65344/2022), is hereby rejected.

The Trial Court is directed to expedite the trial and concluded the same at the earliest.

So far as petitioner Ravi Ranjan Kumar Singh @ Ravi Ranjan Singh (Cr. Misc. No. 64395/2022) is concerned, since there is no allegation of shot fire against petitioner, above named to the deceased, let the petitioner/Ravi Ranjan Kumar Singh @ Ravi Ranjan Singh (Cr. Misc. No. 64395/2022), be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, East
Champaran, Motihari in connection with Kotwa P.S. Case
No. 276 of 2022.

(Sunil Kumar Panwar, J)

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