

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65093 of 2022

Arising Out of PS. Case No.-818 Year-2021 Thana- LAKHISARAI District- Lakhisarai

DIVAKAR SINGH @ DIVAKAR KUMAR @ BHULLU S/O PRAVIN
KUMAR Resident of village- Balgudar, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15255 of 2023

Arising Out of PS. Case No.-818 Year-2021 Thana- LAKHISARAI District- Lakhisarai

KANHAIYA KUMAR Son of Late Uday Singh R/V- Balgudar, P.s-
Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65093 of 2022)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 15255 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned senior counsel for the petitioners
and the learned A.P.P. for the State.

The petitioners seek bail in connection with
Lakhisarai P.S. Case No. 818 of 2021 registered for the
offence under Sections 302/94 of the Indian Penal Code and
Section 27 of the Arms Act.



The son of the informant is alleged to have been killed by the unknown persons by inflicting him gun shot injury.

Learned senior counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R. and during course of investigation their names have been transpired in this case on the basis of statement of the independent witness namely, Dinesh Kumar Paswan who in his statement stated that one Dumdum Singh was making fire in the air and abusing the villagers by their caste names. He further submits that in view of the statement of the aforesaid witness, no case is made out against these petitioners under Section 302 of the Indian Penal Code. The petitioners are rotting in judicial custody since 08.08.2022 and 03.01.2023, respectively.

Learned A.P.P. for the State on the other hand on the basis of material available in the case diary vehemently opposed the prayer for bail of the petitioner and submits that the witness namely, Dinesh Kumar Paswan has stated that he has not seen that as to who has opened fire upon the



deceased. He further submits that the confessional statement of the petitioners were recorded during course of investigation in which they have confessed their guilt of firing upon the victim causing bulled injury to the deceased.

Consider the facts and circumstances of the case, this Court is not inclined to enlarge the petitioners on bail at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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