

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69289 of 2022

Arising Out of PS. Case No.-647 Year-2021 Thana- KATIHAR NAGAR District- Katihar

MAUSAM KUMAR @ MASUM KUMAR @ MASUM SINGH @ MASUM
KUMAR SINGH S/O Arun Kumar R/O Kataria, P.S- Kursela , District-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Sanjeev Kumar Singh
Ms. Neha Rani

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 20-04-2023 Heard the learned Senior counsel Sri N.K. Agrawal

for the petitioner as well as the learned Additional Public

Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Katihar (Sahayak) P.S. Case No. 647 of 2021, registered
for the offences punishable under Sections 307, 302, 120(B)/34
of the Indian Penal Code.

As per allegation, the husband of the informant was
returning with one Surendra Sahni by his motorcycle, after
taking diesel from petrol pump. Three accused persons namely
Mausam Singh (petitioner), Sachin Kumar Singh and Jahiruddin
stopped their motorcycle, after overtaking it. They opened



indiscriminate firing on Dhanraj Yadav, the husband of the informant. Surendra Sahni, who was accompanying the deceased fled away. The accused persons also fired on him, but he was saved.

The learned Senior counsel Sri N.K. Agrawal for the petitioner has submitted that Surendra Sahni has been declared hostile during trial and he did not identify the accused persons. He has submitted further that the informant is not an eye-witness.

On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the informant is an eye-witness. She has stated that the petitioner along with three accused persons opened indiscriminate firing on the person of deceased, resulting into his death. The witnesses in case diary have supported the entire occurrence and the version of the informant and the witnesses have corroborated by the inquest report and the post-mortem report.

In my view, the petitioner does not deserve the privileges for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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