

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70413 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RUPESH KUMAR SINGH @ RUPESH SINGH Son of Rajkishor Prasad
Singh MOHALLA WARD NO.01 NAKOTHI PS NAKOTHI DISTRICT
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Cheriyabariyarpur P.S. Case No. 178 of 2023 dated 03.07.2023,
instituted for the offence punishable under Sections 307, 326
and 120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that the informant
is the wife of the victim. She has alleged that her husband runs a
jewellery shop in the house of Shankar Verma. The other two
brothers of the victim are labourers. Her co-villagers, namely,
Rampravesh Sahani, Rupesh Singh, Pintu Singh and her
brother-in-law were involved in gambling along with victim and
his brother due to which the victim and his brother were under
heavy loan. When brother of the victim went to work as
labourer then Rupesh Singh (petitioner), Rampravesh Sahani



and Pintu Singh used to come to her house and demand money. Rupesh Singh got executed a sale deed of the land of the informant in favour of his sister-in-law in lieu of his loan amount. Even after execution of sale deed, he kept demanding the amount from her husband (victim). On 01.07.2023 while her husband was returning from his shop then near Basona More Rupesh Singh, Rampravesh Sahani and Pintu Singh fired on the husband of the informant due to which he got injured and was taken to Kalpana Hospital from where he was referred to P.M.C.H. Patna.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that informant is not an eye witness to the occurrence. Only on the basis of suspicion, the petitioner has been made accused in this case. It is submitted that F.I.R. was lodged after two days of the occurrence. It is further submitted that at the alleged date of occurrence, the petitioner was present at the temple of Maa Durga situated in his village as he was the regular visitor of that place in the evening hours. He was present there in between 6-9 p.m., which can be ascertained from the recording of C.C.T.V. footage installed inside the temple from which his presence can be verified. It is submitted



that nothing has been found in the investigation against the petitioner. Lastly, it has been submitted that he has no criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Cheriabariyarpur P.S. Case No. 178 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Manjhaul, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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