

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73979 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SARSI District- Purnia

Ashish Singh @ Ataiya @ Atiya, S/O Pappu Singh @ Jagjeevan Singh R/O
village- Sarsi, P.S- Sarsi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh
For the Informant	:	Mr. Sunil Kumar Pathak

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 267 of 2022, arising out of Sarsi P. S.
Case No. 158 of 2021, registered for the offences
punishable under Sections 302 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is
that when the informant, who is Member of Ward No. 10 of
Zila Parishad, was standing at a Tea Stall of one Sanjay Sah
at Sarsi Chowk, she saw the petitioner came running from
the Bank side armed with pistol and came near her husband



and fired on his head, as a result of which her husband became injured and fell down. Again on the order of one Sudesh Singh, the petitioner came and fired twice. At that time, two unknown persons were also with him. Apart from them, several other persons have seen the said occurrence. Her husband died on the place of occurrence and after firing they all fled away.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of political rivalry. He further submits that investigation in this case is complete and charge-sheet has already been submitted and he has been languishing in jail since 09.12.2021. However, he concedes that he has three criminal antecedents, out of which two cases are lodged for alleged murder by this petitioner and third one is in regard to attempt to murder.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State and the informant



vehemently opposes the prayer of the petitioner for bail submitting that this petitioner is the main assailant who has caused death by fire arms, supported by post-mortem report and he has criminal antecedents, including commission of two murders. As such, he is threat to the security of the society and besides this, the nature of the alleged offence is very serious.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail.

Prayer for bail is rejected, accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

